

### **AMENDMENT #1**

Mr. Turner of Dennis moves to amend House 4410 by adding at the end thereof the following section:

SECTION X. Section 15 of Chapter 70B shall be amended by adding after subsection (d) the following:

(e) The authority shall not recapture commonwealth and authority assistance for any authority funded school building if the excess capacity is sold or leased to a commonwealth charter school or applicant for a commonwealth charter school or if a combined district/municipal building use plan includes the cessation or reduction of educational use of an authority assisted school building but includes use of one or more different school building(s) or municipal building(s) for significant educational purposes and one or more such other school or municipal building(s) is sold or leased to a commonwealth charter school or applicant for a commonwealth charter school.

### **AMENDMENT #2**

Mr. Walsh of Boston and Mr. Wallace of Boston move to amend HB. 4410 at the end of **SECTION 2** the following

“Subsection (b) of section 91 of chapter 71 of the General Laws, as appearing in section 65 of chapter 27 of chapter 65 of the Acts of 2009, is hereby amended by striking out the words “A school district shall transfer the state average chapter 70 per pupil allotment to a Recovery High School for a student meeting the following criteria” and inserting in place thereof the following words:- “A school district shall transfer the state average foundation budget per pupil to a Recovery High School for a student meeting the following criteria.”

### **AMENDMENT #3**

Ms. Benson of Lunenburg moves to amend the bill H4410 by striking out subsection (z) of section 2.

### **AMENDMENT #4**

Mr. Kaufman of Lexington moves to amend the bill by adding the following section:  
“SECTION XX.

In order to determine, as a basis for legislative action, the resources needed to achieve the commonwealth’s educational goals, a committee, to be known as the Education Resource Study Committee, made up of the chairs of the joint committee on education, the secretary of administration and finance, or his designee, and the secretary of executive office of education or his designee, may conduct a study to determine the resources necessary to achieve the commonwealth’s educational goals. The committee shall contract with an independent consultant to conduct an assessment to ascertain the resources and the costs of the resources needed to provide all students in Massachusetts with the opportunity for a high quality education to enable them to reach their potential as set forth in chapter 71 of the acts of 1993 and in this act.

For purposes of its work, the committee and consultant shall have access to all necessary papers, vouchers, books and records pertaining to the department of elementary and secondary education and to any school district in the commonwealth. The department of elementary and

secondary education shall cooperate with the committee and consultant for any purpose connected to its work including, but not limited to, participating in interviews and producing books, records and documents. School districts and their personnel shall make every effort to cooperate with reasonable requests of the committee and consultant for any purpose connected to its work pursuant to this act and to the extent possible shall participate in interviews and producing books, records and documents. The committee and consultant may request reasonable assistance from the commissioner of elementary and secondary education and from the superintendent of a school district. The commissioner shall furnish the committee and consultant with relevant information in his possession which is requested by the committee and consultant. School districts shall endeavor to provide relevant information in their possession to committee and consultant to the extent possible consistent with the need to maintain the confidentiality of information in their possession.

The committee shall:

(1) Prepare a request for proposals for the conduct of a resource study, advertise nationally for such proposals, evaluate the proposals and contract with an appropriate independent entity or independent consultants to conduct a professional evaluation of: (a) the extent of educational and other resources required by school districts so that they are able to fully implement each of the 7 curriculum frameworks and fulfill the goals of said chapter 71 of the acts of 1993 and this act; and (b) the resources required by the department of elementary and secondary education so that it is able to fulfill its responsibilities under the provisions of this act; provided, however, that the responsibilities shall include providing technical assistance to school districts so that they can improve the capacity of school districts to implement the curriculum frameworks effectively and devising instructional strategies which improve learning for diverse student populations; and

(2) Include in its request for proposals the requirements that in conducting its study, the consultant shall: (a) consider and evaluate all the resources which relate to student learning and educational opportunity, including, but not limited to class size, special education programs, including programs for English language learners, preschool programs for all 3 and 4 year-olds and full-day kindergarten, additional resources needed to assure educational opportunity for low income students, salaries needed to attract and retain high quality professionals, technology, extracurricular programs, remedial programs for students at risk of failing to satisfy graduation requirements, additional resources needed to implement the model curriculum on global education and international studies as developed by the department of elementary and secondary education, quality books and equipment for science labs programs, programs which insure adequate preparation for careers in science, technology engineering and mathematics and historical inequities and methods of preventing such inequities from arising in the future; (b) provide the committee with a proposed work plan before beginning the study; (c) interview and consult with representatives of educational professions and other groups involved in issues of educational policy and finance, including, but not limited to the Massachusetts Association of School Superintendents, the Massachusetts Association of School Committees, the Massachusetts Teachers Association, the American Federation of Teachers/Massachusetts, the Massachusetts Secondary School Administrators Association, the Massachusetts Municipal Association, the Rennie Center for Education Research and Policy, the Council for Fair School Finance, the Massachusetts Budget and Policy Center, the Massachusetts Taxpayers Foundation, Massachusetts Business Alliance for Education, the commissioner of the department of elementary and secondary education, the Robert H. Goddard Council on Science, Technology,

Engineering and Mathematics Education, the Massachusetts Science, Technology, Engineering and Mathematics Resource Network, the Massachusetts Parent Teacher Association, Stand for Children, academics and researchers involved in educational strategies and the public through public hearings and through other means as the consultant shall direct; (d) review successful educational programs in schools and school districts with diverse socioeconomic characteristics and racial makeup and assess the possibility of replicating such programs in other schools and school districts; (e) file monthly progress reports with the committee outlining the work of the previous month and the work planned for the upcoming month; (f) after the completion of one third of the work and again after completion of two thirds of the work, participate in a forum with the committee to provide an opportunity for public comment; (g) issue a preliminary report on its work and the cost study and solicit comments, criticisms and suggestions from professional educators, education administrators and experts in education policy and finance concerning the report; and (h) deliver a final report to the president of the senate, the speaker of the house of representatives, and the joint committee on education not later than September 1, 2011.”

#### **AMENDMENT #5**

Mr. Jones of North Reading moves to amend House Bill 4110 in section 2, in lines 909 to 915, inclusive, by striking out subsection (gg) and inserting in place thereof the following subsection:- “(gg) In any year during which a sending district’s total district sponsored charter school tuition amount is greater than the sending district’s total district sponsored charter school tuition amount for the previous year, the sending district shall be reimbursed by the commonwealth in accordance with this paragraph and subject to appropriation; provided, however, that no funds for the reimbursements shall be deducted from funds distributed under chapter 70. The reimbursement amount shall be equal to 100 percent of the increase in the year in which the increase occurs and 25 per cent in the second, third, fourth and fifth years following.”

#### **AMENDMENT #6**

Mr. Donelan of Orange and Mr. Kulik of Worthington move to amend House Bill 4410 by inserting after Section 5 the following Section:

“SECTION XX. Section 61 of Chapter 71 of the Massachusetts General Laws is hereby amended by inserting the following language at the end thereof:

A town may withdraw from participation in a union by a majority vote of the school committee of the town. Withdrawal and termination of participation by a town shall be independent of any pending votes regarding dissolution of the union or pending votes by another town regarding its participation. The school committee shall designate an effective date for termination of participation.”

#### **AMENDMENT #7**

Mr. O’Flaherty of Boston, Mr. Torrisi of North Andover, Mr. Rodrigues of Westport move to amend House Bill 4410, by adding at the end of Section 5 thereof, the following new language: - Chapter 70B, Section 15 shall be amended by adding the following paragraph at the end of subsection (b):

Prior to the sale or lease of an assisted structure or facility, or a portion of that structure or facility, the school district in control of said structure or facility shall submit to the authority a district-wide school facility use plan that shall include, but not be limited to, a listing of all

school facilities under the control of the school district, a detailed description of both the current use and proposed use of each school facility, the most recent enrollment data, by school facility, then available to the school district, a detailed floor plan of each school facility that shows and labels each space in the facility and whether it is used as a classroom or has some other use, and any other information that may be required by the authority to understand the district's school facility use plan. If such plan includes the closure, sale or lease of a school facility, or any part of a school facility, the authority may conduct, with the full cooperation of the district, an analysis of district-wide enrollment capacity and future enrollment trends for the district. If the capacity analysis and enrollment projection indicate an extended period of significant excess capacity within the district's educational facilities, the district shall, prior to consideration of any other disposition of the identified excess capacity, make a good faith offer to sell or lease at fair market value the identified excess capacity to a commonwealth charter school established pursuant to section 89 of chapter 71 of the Massachusetts General Laws or an applicant for a commonwealth charter school pursuant to said section 89 that serves or is seeking to serve students who live in the school district. The authority shall not recapture commonwealth and authority assistance for any such excess capacity that is sold or leased to a commonwealth charter school or applicant for a commonwealth charter school.

#### **AMENDMENT #8**

Mr. Lewis of Winchester moves to amend the bill by inserting the following new section:

**SECTION .** Notwithstanding any general or special law to the contrary, the Department of Education is hereby authorized and directed to study the inequities resulting from the past and current applications of the educational funding methodology contained in Chapter 70 of the general laws as established in the Education Reform Act of 1993 and subsequently modified from time to time.

Said study shall include but not be limited to a) inequities between communities arising from the utilization of local educational authority spending prior to 1993 as a factor in determining a community's ability to pay for education in subsequent years, b) inequities caused by an over-reliance on the property value in a community in calculating a community's ability to pay for education, and c) inequities produced by other elements involved in measuring the ability to pay for education or the accurate cost of education in a particular community.

The results of said study, together with any necessary legislative recommendations to eliminate inequities in state educational funding for local school districts, shall be filed with the clerks of the House and Senate not later than June 1, 2010.

#### **AMENDMENT #9**

Mr. Lewis of Winchester moves to amend the bill by adding the following new section:

**SECTION .** Section 3 of chapter 70 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding the following paragraph:

Any municipality with a combined effort yield less than 100 percent of the Fiscal Year 2010 Foundation Budget and each ensuing year, shall have in Fiscal Year 2010 and in each ensuing

year a target maximum local contribution of no more than 80 percent of its Foundation Budget.

#### **AMENDMENT #10**

Representatives Keenan of Salem, Walsh of Lynn, Grant of Beverly, Gregoire of Marlborough, Richardson of Framingham, Fernandes of Milford and Callahan of Sutton move to amend the bill in Section 2 line 521 by adding the following text:

“The student body population of the expanded charter seats shall be randomly drawn from students in community served who are ranked in the bottom fifty percent of their class for high school students and from students who are “sub proficient” in the categories of mathematics and English MCAS for elementary and middle school students. Parents of students drawn shall be notified of the opportunity for their child to attend the charter school and shall accept or decline said offer within thirty (30) days. This lottery shall continue until desired number of enrollees is achieved”; and in section 2 line 648 after “students” by adding “shall be open excluding additional slots approves pursuant to paragraph 3 subsection i.”

#### **AMENDMENT #11**

Representatives Keenan of Salem, Grant of Beverly, Gregoire of Marlborough, Richardson of Framingham, Sannicandro of Ashland and Callahan of Sutton move to amend the bill in Section 2 lines 557, 569, 601, 603 and 605, by striking out “ 10 percent” and in place thereof, inserting in each instance, “5 percent”.

#### **AMENDMENT #12**

Representative Keenan of Salem moves that the bill be amended in Section 2 line 605 by inserting at the end:

“The City of Salem shall be exempt from this section.”

#### **AMENDMENT #13**

Representatives Keenan of Salem, Walsh of Lynn, Grant of Beverly, Gregoire of Marlborough, Ehrlich of Marblehead and Callahan of Sutton move to amend the bill in Section 2 line 537 by striking out “30,000” and in place thereof inserting “50,000”; and in Section 2 line 573 by inserting after the words “18 percent” the following:

“and where shall only apply in any community with a population of 50,000 or less as defined by the most recent U.S. Census only if approved by majority vote of the district school committee or education board.”

#### **AMENDMENT #14**

Representatives Keenan of Salem, Walsh of Lynn, Grant of Beverly, Gregoire of Marlborough, Ehrlich of Marblehead, Richardson of Framingham and Callahan of Sutton move to amend the

bill in Section 2 line 573 by inserting after the words “18 percent” the following:  
“and where shall only apply in any community with a population of 75,000 or less as defined by the most recent U.S. Census only if approved by majority vote of the district school committee or education board.”

#### **AMENDMENT #15**

Representatives Keenan of Salem, Walsh of Lynn, Grant of Beverly, Ehrlich of Marblehead, Gregoire of Marlborough, Richardson of Framingham and Callahan of Sutton move to amend the bill in Section 2 line 573 by inserting after the words “18 percent” the following:  
“and where shall only apply in any community with a population of 100,000 or less as defined by the most recent U.S. Census only if approved by majority vote of the district school committee or education board.”

**AMENDMENT #16** Mr. Rice of Gardner moves to amend the bill in Section 1J(b), in line 3, by inserting “dropout rates” after “graduation rates”;

moves further to amend the bill in Section 1J(c), in line 79, by inserting “dropout rates” after “promotion and graduation rates”;

moves further to amend the bill in Section 1J(d), in lines 94 and 95, by inserting “dropout rates” after “student promotion and graduation” ;

moves further to amend the bill in Section 1K(a), in line 273, by inserting “dropout rates” after “promotion and graduation rates”;

moves further to amend the bill in Section 1K(b), in line 307, by inserting “dropout rates” after “promotion and graduation rates”;

moves further to amend the bill in Section 1K(c), in line 323, by inserting “dropout rates” after “student promotion and graduation”;

moves further to amend the bill in Section 3, in line 982, by inserting “dropout rates” after “student promotion and graduation rates”;

moves further to amend the bill in Section 3, in 1079, by inserting “dropout rates” after “student promotion and graduation.”

**AMENDMENT #17** Ms. Ferrante moves to amend this bill in Section 2, paragraph (e) by inserting at the end thereof, the following phrase---  
“and a detailed explanation of which programs and curriculum are different and how they differ from current offerings within the school district.”

**AMENDMENT #18** Ms. Ferrante moves to amend the bill in Section 2, paragraph (h), by inserting at the end thereof, the following sentence -----

“A comprehensive written summary of all materials prepared by the Department of Elementary

and Secondary Education or its administrative subdivisions, which evaluates or recommends approval or disapproval of a charter application must be delivered to the members of the board, the applicant, in support of, or in opposition to, the school submitted no later than 3 days before any board vote on said charter application.”

**AMENDMENT #19** Ms. Ferrante moves to amend the bill in Section 2, paragraph (j), by inserting after the end of the first paragraph----

“, included in that criteria shall be a positive recommendation from the Charter School Office.”

**AMENDMENT #20** Ms. Ferrante moves to amend the bill in Section 2, paragraph (j), by inserting at the end thereof,

“Within 30 days of the approval of a new commonwealth charter school in any community, the board shall issue a written confirmation that the school meets all of the requirements set out in this section and in the implementing regulations, and a summary of the reasons thereof.”

**AMENDMENT #21** Ms. Ferrante moves to amend the bill in Section 2, paragraph (ee) by striking the phrase “or the school has violated any provision of its charter” and insert in its place---

“or the school has violated any provision of its charter or the board has substantially violated any provision of this section or its implement regulations in granting the charter.”

**AMENDMENT #22** Ms. Ferrante moves to amend the bill in Section 2, paragraph (ee), by inserting at the end thereof----

“The board may also, on its own motion or by request, reconsider its grant of a charter and revoke or suspend said charter within six months of approval of that charter; provided, that the charter applicant shall be given sufficient notice and an opportunity to be heard before the board on the matter.”

**AMENDMENT #23** Ms. Ferrante moves that the bill be amended at the end thereof by inserting at the end thereof the following additional subsection:---

“(xx) Commonwealth charter schools shall be funded as follows: the commonwealth shall pay a tuition amount to a charter school, which shall be the sum of the tuition amounts calculated separately for each district sending students to the charter school, provided, however, that the commonwealth shall not pay any tuition to a charter school that receives a charter from the board of education after January 1, 2009 unless the secretary of education first certifies in writing to the governor that the charter was granted in accordance with the provisions of this act and that the charter school office of the department of elementary and secondary education made a determination prior to the granting of the charter that the charter group’s application meets the criteria for the final charter application. Should the Secretary not be able to certify the charter in accordance with this subsection, the board of elementary and secondary education shall have the authority to render the charter void. ”

**AMENDMENT #24** Ms. Ferrante moves that the bill be amended at the end thereof by

inserting an additional section:---

“The Legislature, having made a finding that the grant of the charter to Gloucester Community Charter Arts School is unlawful and not in accordance with the procedures, regulations and statutes of the Commonwealth of Massachusetts, as evidenced and concluded by the Massachusetts Office of the Inspector General, hereby renders the charter void.”

**AMENDMENT #25** Representatives Pedone of Worcester, Binienda of Worcester, O’Day of West Boylston, Spellane of Worcester, and Fresolo of Worcester move to amend HB4410 by striking out subsection (g) of Section 2

**AMENDMENT #26** Mr. Evangelidis of Holden moves to amend House Bill 4410 by inserting the following section:-

Section XX. Notwithstanding any general of special law to the contrary, any student who is enrolled at a charter school in the Commonwealth when this act takes effect, shall be allowed to complete their studies at that charter school.

**AMENDMENT #27** Mr. Evangelidis of Holden moves to amend House Bill 4410 by inserting the following section:-

Section XX. Notwithstanding any general of special law to the contrary, upon a change in the Office of Governor, the powers granted to the Commissioner pursuant to this act cannot be altered or amended for two years following the inauguration of the new Governor.

**AMENDMENT #28** Mr. Evangelidis of Holden, Mr. Naughton of Clinton, Mr. Pignatelli of Lenox, Mr. Dwyer of Woburn, Mr. DiNatale of Fitchburg, Mr. Puppolo of Springfield, Ms. Gregoire of Marlborough, Ms. Stanley of West Newbury, Mr. Fernandes of Milford, Mr. Miceli of Wilmington, Mr. Hill of Ipswich, Mr. Perry of Sandwich, Mr. Smola of Palmer, Ms. Benson of Lunenburg, Mr. Alicea of Charlton, Ms. Callahan of Sutton, Mr. Webster of Pembroke, Mr. Ross of Wrentham, Ms. Peake of Provincetown, Ms. Provost of Somerville, Ms. Hogan of Stow and Mr. Quinn of Dartmouth move to amend House Bill 4410 by inserting the following new section:-

Section XX. Notwithstanding any general or special law to the contrary, regional school transportation payments made by the state in any fiscal year through the general appropriations act shall not be lowered by a greater percentage than any reduction made to state chapter 70 payments in that fiscal year.

**AMENDMENT #29** Mr. Hill of Ipswich moves to amend **House Bill 4410** by inserting at the end thereof the following new section:-

“SECTIONXXX. Section 7A of Chapter 71 of the General Laws is hereby amended by inserting at the end of thereof the following paragraph:- ‘Every school district shall establish, subject to the approval of the school committee, standards for the length of commute for any student utilizing school transportation. Such standards should seek to minimize the average length of a commute within the district, and must include a maximum permissible time for any student’s commute.’”



**AMENDMENT #30** Mr. Hill of Ipswich moves to amend **House Bill 4410** by inserting at the end thereof the following new section:-

“SECTION XX. Chapter 90 of the General Laws is hereby amended by inserting after section 3 the following section:-

Section 3A. All school departments are hereby authorized to install and operate live digital video school bus violation detection monitoring systems. Such systems shall, at a minimum, be systems that monitor and detect school bus traffic violations. For purposes of this section, a live digital video school bus violation detection monitoring system means a system with 1 or more camera sensors and computers that produce live digital and recorded video of motor vehicles being operated in violation of school bus traffic laws. All systems installed for use under this section must, at a minimum, produce a live visual image viewable remotely, a recorded image of the license, plate, and be able to record the time, date and location of the vehicle, and a signed affidavit by a person who witnessed the violation via live video.

The school departments may enter into an agreement with a private corporation or other entity to provide live digital video school bus violation detection monitoring systems and to maintain and operate such systems. Compensation to the private corporation or other entity to provide live digital video school bus violation detection monitoring systems and to maintain and operate such systems. Compensation to the private entity that provides such a system and related support service shall not be based on the revenue generated by the system. Compensation to the vendor of the system shall be based on the expense of the services and the equipment provided by the vendor of the system. The school department may enter into an agreement for purposes of reimbursement of expenses to the vendor for the installation, operation and maintenance of the live digital video school bus detection and monitoring systems within its municipality.

Notwithstanding the terms and conditions contained in any such agreement, reimbursement shall be made from ticket revenue proceeds from paid violations, as allocated. All vehicles installed with a live digital video school bus violation detection monitoring system shall post a warning sign indicating the use of such system. Warning signage shall remain on each vehicle as long as a live digital video school bus violation detection monitoring system is in operation.

Except, as expressly provided, all prosecutions based on evidence produced by a live digital video school bus violation detection monitoring system shall follow the procedures of this section.

Citations may be issued by an officer solely based on evidence obtained by use of a live digital video school bus violation detection monitoring system. All citations issued based on evidence obtained from a live digital video school bus violation detection monitoring system shall be issued within 7 days of the violation. It shall be sufficient to commence a prosecution based on evidence obtained from a live digital video school bus violation detection monitoring system a copy of the citation and supporting documentation shall be mailed to the address of the registered owner kept on file by the registry of motor vehicle for the purposes of this section, the date of issuance shall be the date of mailing.

The officer issuing the citation shall certify under penalties of perjury that the evidence obtained from the live digital video school bus violation detection monitoring system was sufficient to demonstrate a violation of the motor vehicle code. Such certification shall be sufficient in all prosecutions pursuant to this chapter to justify the entry of a default judgment upon sufficient proof of actual notice in all cases where the citation is not answered with the time period permitted.

The following information shall be attached to the citation as evidence: (i) copies of 2 or more photographs, or microphotographs, videos, or other recorded images taken as proof of the violation; (ii) a signed statement by a trained law enforcement officer that, based on inspection of recorded images and video, the motor vehicle was being operated in violation of this chapter; (iii) a statement that recorded images are evidence of a violation of this chapter; (iv) a statement that the person who receives a summons under this chapter may either pay the civil penalty in accordance with this chapter, or elect to stand trial for the alleged violation; and (v) a signed affidavit by a person who witnessed live the motor vehicle being operated in violation of this chapter.

Evidence from a live digital video school bus violation detection monitoring system shall be considered substantive evidence in the prosecution of all civil traffic violations. Evidence from a live digital video school bus violation detection monitoring system approved by the school department shall be admitted without further authentication and such evidence may be deemed sufficient to sustain a civil traffic violation. In addition to any other defenses as set forth herein, any and all defenses cognizable at law shall be available to the individual who receives the citation commencing a prosecution under this chapter.

The registered owner of the motor vehicle shall be primarily responsible in all prosecutions brought pursuant to the provisions of this chapter except as otherwise provided in this section. In all prosecutions of civil traffic violations based on evidence obtained from a live digital video school bus violation detection of a civil traffic violation, may be liable for such violation. The registered owner of the vehicle may assume liability for the violation by paying the fine; or by defending the violation pursuant to the procedures in this chapter.”

**AMENDMENT #31** Mr. Hill of Ipswich moves to amend **House Bill 4410** by inserting at the end thereof the following new section:-

“Section XX. Chapter 71 of the General Laws is hereby amended in Section 2 by adding after the word “government” the following phrase:- “and a program of relating to the flag of the United States of America, including but not limited to proper etiquette, the correct use and display of the flag, and the provisions of 36 U.S.C. 170 to 177”.”

**AMENDMENT #32** Mr. Hill of Ipswich moves to amend **House Bill 4410** by inserting at the end thereof the following new section:-

“SECTION XX. Notwithstanding any general or special law to the contrary, the Department of Education is hereby authorized and directed to study the inequities resulting from the past and current applications of the educational funding methodology contained in Chapter 70 of the general laws as established in the Education Reform Act of 1993 and subsequently modified from time to time.

Said study shall include but not be limited to a) inequities between communities arising from the utilization of local educational authority spending prior to 1993 as a factor in determining a community’s ability to pay for education in subsequent years, b) inequities caused by an over-reliance on the property value in a community in calculating a community’s ability to pay for education, and c) inequities produced by other elements involved in measuring the ability to pay for education or the accurate cost of education in a particular community.

The results of said study, together with any necessary legislative recommendations to eliminate inequities in state educational funding for local school districts, shall be filed with the clerks of the House and Senate not later than February 15, 2010.”

**AMENDMENT #33** Mr. Hill of Ipswich moves to amend House Bill 4410 by inserting at the end thereof the following new section:-

“SECTION XX. In order to determine, as a basis for legislative action, the resources needed to achieve the commonwealth’s educational goals, a committee, to be known as the Education Resource Study Committee, made up of the chairs of the Joint Committee on Education, the Secretary of Administration and Finance or his designee, and the Secretary of Education or his designee is hereby authorized to conduct a study to determine the resources necessary to achieve the commonwealth’s educational goals. The committee shall contract with an independent consultant to conduct an assessment to ascertain the resources and the costs of the resources needed to provide all students in Massachusetts with the opportunity for a high quality education to enable them to reach their potential as set forth in the Education Reform Act of 1993 and in this act.

**AMENDMENT #34** Mr. Hill of Ipswich moves to amend House Bill 4410 by inserting at the end thereof the following new section:-

“SECTION XX. Subsection (c) of section 5A of chapter 71B of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking in line 44 the number “4” and inserting in place thereof the number “3”.”

**AMENDMENT #35** Mr. Hill of Ipswich moves to amend House Bill 4410 by inserting at the end thereof the following new section:-

“SECTION XX. Subsection (c) of section 5A of chapter 71B of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking in line 44 the number “4” and inserting in place thereof the number “3.5”.”

**AMENDMENT #36** Mr. Tobin of Quincy and Mr. Walsh of Boston move to amend HB. 4410 in

Section 1. Strike out the paragraph beginning at line 137 and replace it with the following paragraph:

If the superintendent does not accept an application submitted pursuant to clause (vii), or if an employee does not submit such an application, the principal, administrator, teacher, or staff member shall retain such rights as may be provided under law or any applicable collective bargaining agreement, except that they shall not have the right to displace any teacher with professional teacher status in any other school. A teacher with professional teacher status in a school declared underperforming may be dismissed for just cause. A teacher with professional teacher status in a chronically underperforming school may be dismissed for good cause.

Section 2. Strike out the paragraph beginning at line 361 and replace it with the following paragraph:

If the receiver does not accept an application submitted pursuant to clause (vii), or if an employee does not submit such an application, the principal, administrator, teacher, or staff member shall retain such rights as may be provided under law or any applicable collective bargaining agreement. A teacher with professional teacher status in a district declared underperforming may be dismissed for just cause. A teacher in a chronically

underperforming school district may be dismissed for good cause.

**AMENDMENT #37** Ms. St. Fleur and Mr. Scaccia of Boston moves to amend the bill, House 4410, in Section 3, subsection (c), by deleting “2/3” in lines 1087 and 1090 and replacing it in with “a majority”, and further amend said subsection (c) by deleting lines 1093 through 1104.

**AMENDMENT #38** Ms. St. Fleur, Mr. Basile, Mr. Michlewitz, Mr. Scaccia, and Ms. Walz of Boston move to amend the bill, H. 4410, in Section 2, subsection (c), by inserting in line 467 after the words “local collective bargaining agent;” the following:

“provided, however, that as many as 9 Horace Mann charter schools may be approved in the city of Boston by the local school committee and the superintendent;”

And further amend the bill in subsection (dd) by inserting in line 826, after the words “where said charter school is located;” the following:

“provided, however, that the 9 Horace Mann charter schools established in the city of Boston under subsection (c) may be renewed with the approval of the local school committee and superintendent;”

**AMENDMENT #39** Ms. St. Fleur and Mr. Scaccia of Boston moves to amend the bill, House 4410, in Section 3, subsection (c), by deleting “2/3” in lines 1087 and 1090 and replacing it in with “a majority”, and further amend said subsection (c) by deleting lines 1093 through 1104.

**AMENDMENT #40** Mr. Donelan of Orange hereby moves to amend House Bill 4410 in Section (2)(e), striking after the word “administrators;” in line 499 through and including line 507, in and replacing it with the following:-

(xiv) an explanation of how the school intends to use information technology to strengthen the educational experiences of students; (xv) a statement of equal educational opportunity which shall state that charter schools shall be open to all students, on a space available basis, and shall not discriminate on the basis of race, color, national origin, creed, sex, ethnicity, sexual orientation, mental or physical disability, age, ancestry, athletic performance, special need, proficiency in the English language or academic achievement; and (xvi) a student recruitment and retention plan, including deliberate, specific strategies the school will use to ensure the provision of equal educational opportunity as stated in the preceding clause and to attract, enroll and retain a student population that, when compared to students in similar grades in schools from which the charter school is expected to draw students, contains a comparable academic and demographic profile.

**And** moves to further amend the bill in Section (2)(h)(2) in line 563 by inserting after the word “plan,” the following words: - effective use of online learning technology,

**And** moves to further amend by adding at the end of section 2(q) in line 698 the following:- Nothing contained in this section shall preclude computer, cable or other technology-based learning.

**And** moves to further amend the bill in line by adding in Section 3 (a) at the end of line 994 after the word “plan” the following sentence:- An innovation school within a district shall be eligible under Chapter 76, Section 12B, relative to interdistrict choice. Providing educational and curriculum services

through online distance learning or other forms of distance learning shall not be deemed to be operating outside of a District.

**And** moves to further amend the bill in Section 3 (c) in line 1078 by striking the word “attendance” and inserting the following:- “participation”

**And** moves to further amend the bill in Section 3(g) line 1170 by striking clause (iv) and replacing it with the following:-

(iv) notwithstanding section (g)(ii) the establishment of an innovation school as a virtual public school that provides instruction to students through distance learning, including online learning programs and courses, subject to regulations adopted by the board, which shall not operate to prevent the establishment of a wholly virtual or electronic school.

**AMENDMENT #41** Ms. Clark of Melrose moves to amend H. 4410 section 2 subsection (dd) by striking “and” from line 834 before “the extent” and inserting in place thereof “,”

And moves to further amend H. 4410 section 2 subsection (dd) by inserting in line 835 after “plan as necessary” the following “, and the extent to which the school has achieved the annual goals required under paragraph (3) of subsection (i)”

**AMENDMENT #42** Ms. Clark, Garry, Peake, Ehrlich, Provost, Harkins, Canavan, and Ferrante and Messrs. Binienda, Dwyer, Bowles, Cabral, Koutoujian, Keenan, Fagan, Smizik, Sciortino, Garballey, S. Walsh, Sannicandro, Puppolo, Smith, Cantwell, Pignatelli, T. Stanley, O’Day, Driscoll, Quinn, Falzone move to amend H. 4410 by striking out, at line 119, section 1J(e)(viii) and inserting in place thereof the following text:

“(viii) if, after considering the recommendations of the group of stakeholders, the commissioner considers it necessary to maximize the rapid academic achievement of students at the applicable school by altering the compensation, hours and working conditions of the administrators, teachers, principals and staff at the school or by altering other provisions of a contract of collective bargaining agreement applicable to the administrators, teachers, principals and staff, the commissioner may request that the school committee and any union bargain or reopen the bargaining of the relevant collective bargaining agreements to facilitate such achievement. The bargaining shall be conducted in good faith and completed not later than 30 days from the point at which the commissioner requested that the parties bargain. The agreement shall be subject to ratification within 10 business days by the bargaining unit members in the school. If the parties are unable to reach an agreement within 30 days or if the agreement is not ratified within 10 business days by the bargaining unit members of the school, the parties shall submit remaining unresolved issues as an appeal to a joint resolution committee for expedited arbitration on the next business day following the end of the 30 day bargaining period or failure to ratify.

The joint resolution committee shall be comprised of 3 members, 1 of whom shall be appointed by the employee organization within 3 business days following the submission of unresolved issues to the joint resolution committee, 1 of whom shall be appointed by the superintendent within 3 business days following the submission of unresolved issues to the joint

resolution committee and 1 who shall be selected through the American Arbitration Association who shall forthwith forward to the parties a list of 3 arbitrators from which the parties may agree upon a single arbitrator provided, however, that each arbitrator from among the 3 and within 3 business days the American Arbitration Association shall select an arbitrator from the remaining names. The joint resolution committee shall conduct an expedited arbitration to be concluded within 10 business days of selection. The expedited arbitration shall be conducted in accordance with the rules of the American Arbitration Association and consistent with this section. The fee for the arbitration shall be shared equally between the 2 parties involved in the arbitration.

The joint resolution committee shall consider the positions of the parties, the designation of the school as underperforming and the needs of the students in the school. Notwithstanding any other provision of this chapter, the decision of the joint resolution committee shall be final and binding and shall be submitted to the parties within 10 business days of the close of the hearing. Under no circumstance, shall a time extension be granted beyond 10 business days of the close of the hearing;”

And move to further amend the bill (House, No. 4410) by striking out, at line 344, section 1K(d)(v) and inserting in place thereof the following text:

“(v) If, after considering the recommendations of the group of stakeholders, the commissioner considers it necessary to maximize the rapid academic achievement of students at the applicable district by altering the compensation, hours and working conditions of the administrators, teachers, principals and staff at any school in the district or by altering other provisions of a contract of collective bargaining agreement applicable to the administrators, teachers, principals and staff, the commissioner may request that the school committee and any union bargain or reopen the bargaining of the relevant collective bargaining agreements to facilitate such achievement. The bargaining shall be conducted in good faith and completed not later than 30 days from the point at which the commissioner requested that the parties bargain. The agreement shall be subject to ratification within 10 business days by the bargaining unit members in the school or schools affected. If the parties are unable to reach an agreement within 30 days or if the agreement is not ratified within 10 business days by the bargaining unit members of the such schools, the parties shall submit remaining unresolved issues as an appeal to a joint resolution committee for expedited arbitration on the next business day following the end of the 30 day bargaining period or failure to ratify.

The joint resolution committee shall be comprised of 3 members, 1 of whom shall be appointed by the employee organization within 3 business days following the submission of unresolved issues to the joint resolution committee, 1 of whom shall be appointed by the superintendent within 3 business days following the submission of unresolved issues to the joint resolution committee and 1 who shall be selected through the American Arbitration Association who shall forthwith forward to the parties a list of 3 arbitrators from which the parties may agree upon a single arbitrator provided, however, that each arbitrator from among the 3 and within 3 business days the American Arbitration Association shall select an arbitrator from the remaining names. The joint resolution committee shall conduct an expedited arbitration to be concluded within 10 business days of selection. The expedited arbitration shall be conducted in accordance with the rules of the American Arbitration Association and consistent with this section. The fee

for the arbitration shall be shared equally between the 2 parties involved in the arbitration.

The joint resolution committee shall consider the positions of the parties, the designation of the district as chronically underperforming and the needs of the students in the school. Notwithstanding any other provision of this chapter, the decision of the joint resolution committee shall be final and binding and shall be submitted to the parties within 10 business days of the close of the hearing. Under no circumstance, shall a time extension be granted beyond 10 business days of the close of the hearing;"

And move to further amend the bill (House, No. 4410) by striking out the number "60," at line 367, and inserting in place thereof the number "95."

**AMENDMENT #43** Ms. Clark of Melrose moves to amend H. 4410 in Section 1J subsection (c) by striking the word "and" on line 64 before "(viii)" and by inserting in line 65 after the words "chosen by the commissioner" the following "; and (ix) a representative of an early education and care provider chosen by the commissioner of the department of early education and care"

And by further amending the bill in Section 1K subsection (b) by striking the "and" on line 292 before "(viii)" and by inserting in line 293 after the words "chosen by the commissioner" the following "; and (ix) a representative of an early education and care provider chosen by the commissioner of the department of early education and care"

**AMENDMENT #44** Ms. Clark, Peake, Ehrlich, Provost, Grant, Harkins, Canavan, and Ferrante and Msrs. Binienda, Bowles, Cabral, Koutoujian, Keenan, Fagan, Smizik, Sciortino, Garballey, S. Walsh, Sannicandro, Puppolo, Smith, Pignatelli, T. Stanley, O'Day, Driscoll, Quinn, Falzone move to amend H. 4410 section 1J subsection (e) by inserting, in line 142, after the words "dismissed for good cause" the following sentence, "No employee shall be terminated if the underperformance of the school is due to factors beyond the control of the employee or if the employee was not properly evaluated pursuant to a personnel evaluation system that complies with departmental guidelines established pursuant to section 1B and that, as applied to teachers, informs and directs professional development opportunities."

And move to further amend the bill (House, No. 4410) in section 1K subsection (d) by inserting, in line 366, after the words "dismissed for good cause" the following sentence, "No employee shall be terminated if the underperformance of the school is due to factors beyond the control of the employee or if the employee was not properly evaluated pursuant to a personnel evaluation system that complies with departmental guidelines established pursuant to section 1B and that, as applied to teachers, informs and directs professional development opportunities."

**AMENDMENT #45** Mr. Brownsberger of Belmont moves that the bill, H4410, be amended by adding at line 573 after the phrase '18 per cent' the following sentence "Provided however that if a school district's Student Growth Percentile (or other similar measure of improvement adopted by the Board) places the district in the upper half of districts based on improvement in the most recently computed school year, then said district's total charter school tuition payment to commonwealth charter schools may exceed 9 percent of said district's net school spending only with the approval of the district School Committee."

**AMENDMENT #46** Representative Sannicandro of Ashland, Representative Richardson of Framingham, Representative Bowles of Attleboro, Representative Garballey of Arlington, Representative Grant of Beverly, Representative Callahan of Sutton, Representative Keenan of Salem, Representative Provost of Somerville, Representative Stanley of Waltham move to amend House Bill 4410 by inserting at the end thereof the following section:-

**SECTION XX.** In order to determine, as a basis for legislative action, the resources needed to achieve the commonwealth's educational goals, a committee, to be known as the Education Resource Study Committee, made up of the chairs of the joint committee on education, the secretary of administration and finance, or her designee, and the secretary of executive office of education or her designee, is hereby authorized to conduct a study to determine the resources necessary to achieve the commonwealth's educational goals. The committee shall contract with an independent consultant to conduct an assessment to ascertain the resources and the costs of the resources needed to provide all students in Massachusetts with the opportunity for a high quality education to enable them to reach their potential as set forth in the Education Reform Act of 1993 and in this act.

For purposes of its work, the committee and consultant shall have access to all necessary papers, vouchers, books and records pertaining to the department of elementary and secondary education and to any school district in the commonwealth. The department of elementary and secondary education shall cooperate with the committee and consultant for any purpose connected to its work pursuant to this act including, but not limited to, participating in interviews and producing books, records and documents. School districts and their personnel shall make every effort to cooperate with reasonable requests of the committee and consultant for any purpose connected to its work pursuant to this act and to the extent possible shall participate in interviews and producing books, records and documents. The committee and consultant may request reasonable assistance from the commissioner of elementary and secondary education and from the superintendent of any school district. The commissioner shall furnish the committee and consultant with any relevant information in his possession which is requested by the committee and consultant. School districts shall endeavor to provide relevant information in their possession to committee and consultant to the extent possible consistent with the need to maintain the confidentiality of information in their possession.

The committee shall:

(1) Prepare a request for proposals for the conduct of a resource study, advertise nationally for such proposals, evaluate the proposals and contract with an appropriate independent entity or independent consultants to conduct a professional evaluation of

a) the extent of educational and other resources required by school districts so that they are able to implement fully each of the seven curriculum frameworks and fulfill the goals of the Education Reform Act and this act, and



b) the resources required by the department of elementary and secondary education so that it is able to fulfill its responsibilities under the provisions of the Education Reform Act. Such responsibilities shall include providing technical assistance to school districts so that they can improve the capacity of school districts to implement the curriculum frameworks effectively and devising instructional strategies which improve learning for diverse student populations.

(2) Include in its request for proposals the requirements that in conducting its study, the consultant shall do the following:

(a) consider and evaluate all the resources which relate to student learning and educational opportunity, including, but not limited to: class size; special education programs, including programs for English language learners; pre-school programs for all 3 and 4 year-olds and full-day kindergarten; additional resources needed to assure educational opportunity for low-income students; salaries needed to attract and retain high quality professionals; technology; extra-curricular programs; remedial programs for students at risk of failing to satisfy graduation requirements; additional resources needed to implement the model curriculum on global education and international studies as developed by the department of elementary and secondary education; quality books and equipment for science labs programs; programs which insure adequate preparation for careers in science, technology engineering and mathematics; and historical inequities and methods of preventing such inequities from arising in the future

(b) provide the committee with a proposed work plan before beginning the study;

(c) interview and consult with representatives of educational professions and other groups involved in issues of educational policy and finance, including, but not limited to the Massachusetts Association of School Superintendents, the Massachusetts Association of School Committees, the Massachusetts Teachers Association, the American Federation of Teachers/Massachusetts, the Massachusetts Secondary School Administrators Association, the Massachusetts Municipal Association, the Rennie Center for Education Research and Policy, the Council for Fair School Finance, the Massachusetts Budget and Policy Center, the Massachusetts Taxpayers Foundation, Massachusetts Business Alliance for Education, the Commissioner of the Department of Elementary and Secondary Education, the Robert H. Goddard Council on Science, Technology, Engineering and Mathematics (STEM) Education, the Massachusetts STEM Resource Network, the Massachusetts Parent Teacher Organization, Stand for Children, academics and researchers involved in educational strategies, and the general public through public hearings and

- through such other means as the consultant shall direct;
- (d) review successful educational programs in schools and school districts with diverse socio-economic characteristics and racial make-up and assess the possibility of replicating such programs in other schools and school districts;
  - (e) file monthly progress reports with the committee outlining the work of the previous month and the work planned for the upcoming month;
  - (f) after the completion of one-third of the work and again after completion of two-thirds of the work, participate in a forum with the committee to provide an opportunity for public comment;
  - (g) issue a preliminary report on its work and the cost study and solicit comments, criticisms and suggestions from professional educators, education administrators and experts in education policy and finance concerning the report; and

(h) deliver a final report to the president of the senate, the speaker of the house of representatives, and the joint committee on education no later than September 1, 2011.

**AMENDMENT #47** Representative Sannicandro of Ashland moves to amend House Bill 4410 by inserting at the end thereof the following section:-

SECTION XX. All students currently enrolled as of the date of enactment at the Advanced Math and Science Academy Charter School of Marlboro shall be grandfathered in and allowed to graduate.

**AMENDMENT #48** Representatives Alicea of Charlton, Benson of Lunenburg, Gregoire of Marlborough, Keenan of Salem, Sannicandro of Ashland, Lantigua of Lawrence, Sciortino of Medford, Provost of Somerville, Grant of Beverly, and Swan of Springfield move to amend the bill in section 1, after line 98, by inserting the following paragraph:

“The turnaround plan approved by the commissioner for any school with an enrollment of 15 percent or greater of students of limited English Proficiency shall include at least one full time English Language Learners program for Limited English Proficient students. Said English Language Learners program(s) shall be subject to the approval of the commissioner and may consist of any of the following, or any combination thereof: transitional bilingual education, two-way bilingual education, structured English immersion, English as a second language, or other innovative program designed to accelerate English language proficiency. In determining the types of English Language Learners program(s) to be offered, the policy determination of the commissioner shall reflect the recommendations of the stakeholder group pursuant to subsection (c).”

**AMENDMENT #49** Ms. Polito of Shrewsbury, Mr. Kaufman of Lexington, Ms. Garry of Dracut, Ms. Ehrlich of Marblehead, Ms. Benson of Lunenburg, Mr. Guyer of Dalton, Ms. Peake of Provincetown, Mr. DiNatale of Fitchburg, Ms. Callahan of Sutton, Ms. Provost of Somerville, Mr. Stanley of Waltham, and Mr. Miceli of Wilmington move that House Bill 4410 be amended by striking lines 909 to 915 of subsection gg of Section 2 and adding in the following new section:-

“(gg). In a year during which a sending district’s total district-sponsored charter school tuition amount is greater than the sending district’s total district-sponsored charter tuition amount for the

previous year, the sending district shall be reimbursed by the Commonwealth in accordance with this paragraph and subject to appropriation; provided, however, that no funds for the reimbursements shall be deducted from funds distributed under Chapter 70. The reimbursement amount shall be equal to 100 per cent of the increase in the year in which the increase occurs, 60 per cent in the second year, 40 per cent in the third year, and 35 per cent in the fourth, fifth, and sixth years following.”

**AMENDMENT #50** Representatives Sandlin of Agawam and Peake of Provincetown move to amend House 4410 after line 1205 by adding the following section:

**SECTION .** Notwithstanding any general or special law to the contrary, regional school transportation payments made by the state in any fiscal year through the general appropriations act shall not be lowered by a greater percentage than any reduction made to state chapter 70 payments in that fiscal year.

**AMENDMENT #51** Representatives Sandlin of Agawam and Fernandes of Milford move to amend House 4410 by inserting after line 41 the following:

Upon the release of the proposed regulations, the board shall file a copy thereof with the clerks of the house of representatives and the senate who shall refer such regulations to the joint committee on elementary and secondary education. Within 30 days of the filing, the committee may hold a public hearing on the regulations, shall issue a report, and file a copy thereof with the board. The board, pursuant to applicable law, shall adopt final regulations making the revisions in the proposed regulations as it deems appropriate after consideration of the report and shall forthwith file a copy of the regulations with the chairpersons of the joint committee on elementary and secondary education and, not earlier than 30 days of the filing, the board shall file the final regulations with the state secretary.

**AMENDMENT #52** Representative Sandlin of Agawam moves to amend House 4410 by inserting in line 98 by adding at the end the following new words:

“(xiv) developmentally appropriate child assessments from pre-kindergarten through third grade, if applicable”;

And by further amending the bill in line 326 by adding at the end the following new words “(xiii) developmentally appropriate child assessments from pre-kindergarten through third grade, if applicable”;

**AMENDMENT #53** Representatives Sandlin of Agawam and Fernandes of Milford move to amend House 4410 in lines 134 – 136 inclusive by striking the paragraph and inserting in place the following:

If the turnaround plan proposes to reallocate funds to the school from the budget of the district pursuant to clause (iii), the commissioner shall notify the school committee, in writing, of the amount of and rational for such reallocations; otherwise the school committee reserves its full authority to act on all matters affective the budget of the district.

**AMENDMENT #54** Representatives Sandlin of Agawam and Fernandes of Milford move to amend House 4410 in lines 170 - 173 inclusive by striking the sentence and inserting in place the following:

(i) Notwithstanding the provisions of subsection (h), the commissioner subject to the review and approval of the school committee may recommend to the board that an external receiver, as defined in subsection (h), be appointed to operate an underperforming school and implement the turnaround plan, or to assist the superintendent with such implementation.

**AMENDMENT #55** Representatives Sandlin of Agawam and Fernandes of Milford move to amend House 4410 in lines 191 - 194 inclusive by striking the section and inserting in place the following:

(l) In the case of an underperforming and chronically underperforming school or district the commissioner or his designee or external receiver, as applicable, shall provide a written report to the school committee, and at the request of the school committee shall present such report and respond to questions of the school committee on a quarterly basis to provide specific information about the progress being made on the implementation of the school's turnaround plan.

**AMENDMENT #56** Representatives Sandlin of Agawam and Fernandes of Milford move to amend House 4410 in lines 198 by striking the section and inserting in place the following:

(m) The review shall be in writing and shall be submitted to the superintendent and school committee pursuant to the provisions of subsection (l) no later than July 1 for the preceding school year.

**AMENDMENT #57** Representatives Sandlin of Agawam and Fernandes of Milford move to amend House 4410 in lines 251 and 261 inclusive by striking the paragraph and inserting in place the following:

Upon a determination of the board pursuant to regulations adopted by the board and consistent with the provisions of subsection 1 (b) that a school district, other than a single school district, has scored in the lowest 10 per cent statewide in student achievement data collected pursuant to section 1 (l), when compared with other district performance in schools of the same grade levels, and has consistently failed to improve the academic performance of students attending school in the district, the commissioner shall appoint a district review team pursuant to section 55 A of chapter 15 to assess and report on the reasons for the underperformance and prospects for improvement, unless there has been such as assessment by a district review within the previous year that the commissioner considers adequate. Upon review of the findings of the district review team, the board may declare the district chronically underperforming. Not more than 2.5 per cent of the total number of school districts may be designated as chronically underperforming at any given time.

**AMENDMENT #58** Representatives Sandlin of Agawam and Fernandes of Milford move to amend House 4410 in lines 382 - 290 inclusive by striking the paragraph and inserting in place the following:

(g) The commissioner or his designee or external receiver, as applicable, shall provide a written report to the school committee, and at the request of the school committee shall present such report and respond to questions of the school committee on a quarterly basis to provide specific information about the progress being made on the implementation of the district's turnaround plan.

(h) The commissioner shall annually evaluate the performance of the receiver. The purpose of such annual evaluation shall be to determine whether the district has met the annual requirement of the turnaround plan and to assess the overall implementation of the turnaround plan. The evaluation shall be in writing and shall be submitted to the board and the local school committee pursuant to the provisions of section 1 (l) no later than July 1 for the preceding school year.

**AMENDMENT #59** Representative Sandlin of Agawam moves to amend House 4410 in line 606 by inserting after the first sentence the following sentence:

When approving a new charter school, a renewal of a charter school or an expansion of an existing charter school, the board shall take into account the financial impact on the sending school districts and shall not grant a new charter, renew or expand an existing charter if it finds that the sending districts would be significantly adversely impacted.

**AMENDMENT #60** Representative Sandlin of Agawam moves to amend House 4410 in line 879 by inserting after the first sentence the following paragraph:

The total tuition amount owed by a sending district to a charter school shall be limited to 75% of the sum of the foundation budgets and adjusted foundation spending percentage to a maximum of \$5000 per pupil, multiplied by the total number of students attending the charter school from that district in the current fiscal year, provided that the tuition owed by a sending district shall exclude pupils who did not attend sending district public schools in the prior year but who were resident and eligible to attend public schools. The sending district's charter school tuition payments for purposes of the following paragraphs shall be the sum of the district's tuition amounts for each charter school to which the district sends students calculated using the provisions of this section. The receiving charter school's total charter school tuition amount shall be the sum of the tuition amounts calculated for the charter school for each district sending students to the charter school including tuition for students who, although eligible, did not attend district public schools in the prior year. The department of education shall, subject to appropriation, provide funding for any difference between the receiving charter school's total charter school tuition and the sending district's tuition payment.

**AMENDMENT #61** Representatives Sandlin of Agawam and Sciortino of Medford move to amend House 4410 in line 912 by striking out the sentence and inserting in place thereof the following sentence:

The reimbursement amount shall be equal to 100 per cent of the increase in the year in which the

increase occurs: 60 per cent of that amount in the first year following; 40 per cent of that amount in the second year following; and 25 per cent in the fourth and fifth years following.

**AMENDMENT #62** Representative Sandlin of Agawam moves to amend House 4410 in line 916 and 928 inclusive by striking out the figure “20” each time it appears and inserting in place thereof the figure “5.”

**AMENDMENT #63** Representatives Sandlin of Agawam and Fernandes of Milford move to amend House 4410 after line 1205 by adding the following section:

SECTION . In the event that the provisions of this act require bargaining with the employee representative, the school district shall be represented pursuant to chapter 150 E.

**AMENDMENT #64** Representative Sandlin of Agawam moves to amend House 4410 by striking in line 475 the third sentence in the section and inserting in place thereof the following sentence:

With the exception of chapter 71B approved schools, private and parochial schools shall not be eligible for charter school status.

**AMENDMENT #65** Mr. Falzone of Saugus moves that the bill be amended in SECTION 2, Chapter 71, Section 89, subsection (n), by striking the second and third paragraphs and inserting in place thereof the following paragraphs:-

o) A charter school shall not administer tests to potential applicants or predicate enrollment on results from a test of ability or achievement, unless the school is a performing, visual or graphics arts school, which may hold auditions for applicants. Criteria for enrollment in a charter school, including, but not limited to, attendance at informational meetings and interviews, a parent’s commitment to volunteer at the school or a parent’s agreement to sign a contract or other form of written agreement with the school, shall not be designed, intended or used to discriminate against a student or to deny a student enrollment in a charter school and shall not be used as a requirement for participation in the lottery or for admission. If the total number of students who are eligible to attend and apply to a charter school and who reside in a district from which the charter school is permitted to enroll students, or are siblings of students already attending said charter school, is greater than the number of spaces available, an admissions lottery, including all eligible students applying, shall be held to fill all of the spaces in that school from among the students.

The names of students who entered the lottery but did not gain admission shall be maintained on a waitlist, which shall be forwarded to the department not later than June 1 in the year in which the lottery is held. In addition to the names of students, the school shall supply to the department each student’s home address, telephone number, grade level, and other information the department deems necessary. The department shall maintain a consolidated waitlist for each municipality in order to determine the number of individual students in each municipality seeking admission to charter school.

; and in subsection (p) by striking the first sentence and inserting in place thereof the following sentences:-

(p) A student may withdraw from a charter school at any time and enroll in another public school where the student resides. When a student stops attending a charter school for any reason, the charter school shall fill the vacancy with the next available student on the waitlist for the grade in which the vacancy occurs and shall continue through the waitlist until a student fills the vacant seat. If there is no waitlist, a charter school shall publicize an open seat and make attempts to fill the vacant seat. Charter schools shall attempt to fill vacant seats. Within 30 days of a vacancy being filled, the charter school shall send the name of the student filling the vacancy and the names of any students whose names were on the waiting list who refused to take the vacant seat, to the department for the purpose of the department updating its waitlist. This subsection is subject to rules and regulations promulgated by the department.

**AMENDMENT #66** Mr. Canessa of New Bedford moves to amend the bill in SECTION 1 Section 1J, in subsection (d) in line 98 by adding at the end the following new words “(xiv) developmentally appropriate child assessments from pre-kindergarten through third grade, if applicable”;  
And by further amending the bill in SECTION 1 in Section 1K, in subsection (c) in line 326 by adding at the end the following new words “(xiii) developmentally appropriate child assessments from pre-kindergarten through third grade, if applicable”.

**AMENDMENT #67** Representative Provost of Somerville moves to amend the bill by striking out, after the word “may” in line 18, all language through the word “or,” in line 19, and inserting, in place of the stricken language, the phrase “pursuant to”

**AMENDMENT #68** Representative Provost of Somerville moves to amend the bill by adding, in line 32, after the word “establishing,” and in line 35, after the word “multiple,” the phrase “criteria-based.”

**AMENDMENT #69** Representative Provost of Somerville moves to amend the bill by adding after the word “limitation:” in line 37, the words “Student Growth Percentile (SGP) data, student mobility,”

**AMENDMENT #70** Representative Provost of Somerville moves to amend the bill by adding after the word “based” in line 40, the word “on”

**AMENDMENT #71** Representative Provost of Somerville moves to amend the bill by replacing, in line 98, the period after the words “special education” with a comma, and adding after the comma the words “(g) Student Growth Percentile (SGP) data,” and (h) student mobility.”

**AMENDMENT #72** Representative Provost of Somerville moves to amend the bill by adding, in line 271, after the word “multiple,” the phrase “criteria-based”

**AMENDMENT #73** Representative Provost of Somerville moves to amend the bill by adding, in line 272, after the phrase “such as,” the words “Student Growth Percentile (SGP) data, student mobility”

**AMENDMENT #74** Representative Provost of Somerville moves to amend the bill by striking the language after the word “schools” in lines 23, and up to the word “and” in line 24, and adding in its place the following:

“that measure below minimum normative standards on multiple assessment measures”

**AMENDMENT #75** Representative Provost of Somerville moves to amend the bill by striking the period after the word “improve” in line 23, and adding after it the following:

by the date of expiration of its turnaround plan, as set forth in subsection (n)

**AMENDMENT #76** Representative Provost of Somerville moves to amend the bill by striking, in line 183, the words “up to,” and substituting the phrase “no fewer than,”

**AMENDMENT #77** Representative Provost of Somerville moves to amend the bill by adding after the paragraph that ends in line 41, the following:

Upon the release of the proposed regulations, the board shall file a copy thereof with the clerks of the house of representatives and the senate who shall refer such regulations to the joint committee on education. Within 30 days of the filing, the committee shall hold a public hearing on the regulations, shall issue a report, and file a copy thereof with the board. The board, pursuant to applicable law, shall adopt final regulations making the revisions in the proposed regulations as it deems appropriate after consideration of the report and shall forthwith file a copy of the regulations with the chairpersons of the joint committee on education and, not earlier than 30 days of the filing, the board shall file the final regulations with the state secretary.

**AMENDMENT #78** Representative Provost of Somerville moves to amend the bill by striking, in line 529, the phrase “1 member,” and substituting in its place the phrase “a quorum.”

**AMENDMENT #79** Representative Provost of Somerville moves to amend the bill by striking lines 567 through 605 in their entirety.

**AMENDMENT #80** Representative Provost of Somerville moves to amend the bill by striking, in line 616, the words “politic and”

**AMENDMENT #81** Representative Provost of Somerville moves to amend the bill by adding, in line 646, a period after the word “curriculum,” and striking the remaining language of that line, and all the language of line 647.

**AMENDMENT #82** Ms. Gregoire of Marlborough moves to amend the bill by inserting after Section 2, subsection r the following language:

Each charter school shall disseminate information on successful innovation programs from the previous academic year to its sending districts and the board no later than September 1st of the following school year.



**AMENDMENT #83** Ms. Gregoire of Marlborough moves to amend the bill by inserting the following subsection after Section 2, subsection mm:

The board will convene a commission to study the implications, not limited to but, at minimum, including financial implications as related to responsibility for remaining assets and liabilities, which could potentially surround the dissolution of a charter school. A completed report with guidelines and recommendations will be due in one (1) year.

**AMENDMENT #84**

**WITHDRAWN.**

**AMENDMENT #85**

**WITHDRAWN.**

**AMENDMENT #86** Representatives Ehrlich of Marblehead, Hecht of Watertown, Garballey of Arlington, Hill of Ipswich, Dykema of Holliston, Lewis of Winchester, Keenan of Salem, DiNatale of Fitchburg, and Provost of Somerville move to amend the bill by adding the following section:

"Section XX Chapter 70 Section 2 of the general laws is amended by adding the following section.

All school districts below the 17.5% foundation floor local aid reimbursement rate established by the legislature in fiscal year 2004 will be fully phased in within five years of said date."

**AMENDMENT #87** Ms. St. Fleur, Ms. Fox, Mr. Basile, and Mr. Scaccia of Boston moves to amend the bill, House 4410, in Section 1, subsection (c) by inserting at the end of line 53 the following new sentence:

"The commissioner may allow for an expedited turnaround plan for schools that have been previously designated as underperforming and where the district has turnaround plan that has had a public comment period, and approval of the local school committee."

**AMENDMENT #88** Mr. Sánchez of Boston moves to amend the bill by adding the following sections:

"SECTION x. Section 1I of chapter 69 of the General Laws, is hereby amended by striking out the thirteenth paragraph and inserting in place thereof the following paragraph:

Each school district required to provide an English language learners program under chapter 71A shall file the following information with the department annually:

- (a) the type of English language learners programs provided;
- (b) with regard to limited English proficient students (i) the number enrolled in each type of English language learners program; (ii) the number enrolled in English as a second language who are not enrolled in another English language learners program; (iii) the results of basic skills, curriculum assessment, achievement and language proficiency testing, whether administered in English or in the native language; (iv) the absentee, suspension, expulsion, dropout and promotion rates; and (v) the number of years each limited English proficient student has been

enrolled in an English language learners program;

(c) the number of students each year who have enrolled in institutions of higher education and were formerly enrolled in an English language learners program;

(d) the academic progress in regular education of students who have completed an English language learners program;

(e) for each limited English proficient student receiving special education, the number of years in the school district prior to special education evaluation and the movement in special education programs by program placement;

(f) the number of limited English proficient students enrolled in programs of occupational or vocational education;

(g) the name, national origin, native language, certificates held, language proficiency, grade levels and subjects taught by each teacher of an English language learners program, bilingual aides or paraprofessionals, bilingual guidance or adjustment counselors and bilingual school psychologists;

(h) the per pupil expenditures for each full time equivalent student enrolled in an English language learners program;

(i) the sources and amounts of all funds expended on students enrolled in English language learners programs, broken down by local, state and federal sources, and whether any such funds expended supplanted, rather than supplemented, the local school district obligation; the participation of parents through parent advisory councils; and

(j) whether there were any complaints filed with any federal or state court or administrative agency, since the program's inception, concerning the compliance with federal or state minimum legal requirements; the disposition of such complaint and the monitoring and evaluation of any such agreement or court order relative to such complaint.

SECTION x. Said section 1I of said chapter 69, as so appearing, is hereby further amended by adding the following paragraph:

The commissioner annually shall analyze and publish data reported by school districts under this section regarding English language learners programs and limited English proficient students. Publication shall include, but need not be limited to, availability on the department's worldwide web site. The commissioner shall submit annually a report to the joint committee on education, arts and humanities on such data on a statewide and school district basis, including, but not limited to, by language group and type of English language learners program.

SECTION x. The fifth paragraph of said section 59C of said chapter 71, as so appearing, is hereby amended by inserting after the fourth sentence the following sentence: In school districts with language minority student populations, the plan to improve student performance shall include a description of the opportunities to be provided by the school to ensure the progress of limited English proficient students in developing oral comprehension, speaking, reading and writing of English, and also in meeting academic standards and curriculum frameworks established under sections 1D and 1E of chapter 69.

SECTION x. Chapter 71A, as appearing in the 2008 Official Edition, is hereby amended by striking out section 1, and inserting in place thereof the following section:

Section 1. As used in this chapter, the following words shall, unless the context requires

otherwise, have the following meanings:

"Academic standards", academic standards established under section 1D of chapter 69 of the General Laws.

"Commissioner", the commissioner of education.

"Curriculum frameworks", curriculum frameworks established under section 1E of chapter 69 of the General Laws.

"Department", the department of education.

"English as a second language", a part-time program supporting the development of English language and skills for limited English proficient students transitioning or assigned to regular education classes.

"English language learners program", any of the following, or any combination hereof: transitional bilingual education, two-way bilingual education, structured English immersion, English as a second language, or other full time innovative program designed to accelerate English language proficiency and academic achievement approved by the department under section 2A.

"Limited English proficient student", (1) a student who was not born in the United States whose native language is other than English and who is not able to perform ordinary class work in English; or (2) a student who was born in the United States of non-English speaking parents and who is not able to perform ordinary class work in English.

"Office of language acquisition", the office of language acquisition established in section 1A of chapter 69.

"Modified bilingual-world language bilingual education", a fulltime program of whole school instruction for limited English proficient students and fully English proficient students that incorporates both the language and the culture of the language minority group to include it in all aspects of the school curricula in an English speaking classroom where teachers are trained in English as a second language techniques.

"Structured English immersion", a fulltime program of academic instruction and English language learning for limited English proficient students in which primarily English is the medium of classroom instruction and the native language of such student is used for support and clarification.

"Transitional bilingual education", a fulltime program of instruction (1) in all those courses or subjects which are required by the student's school district which shall be given in the native language of the limited English proficient students who are enrolled in the program and also in English, (2) in the reading and writing of the native language of the limited English proficient students who are enrolled in the program and in the oral comprehension, speaking, reading and writing of English, and (3) in the history and culture of the country, territory or geographic area which is the native land of the parents of the limited English proficient students who are enrolled in the program and in the history and culture of the United States.

"Two-way bilingual education", a fulltime program in which the curriculum is structured so that limited English proficient students of the same language group and fully English proficient students develop full literacy in 2 languages by being taught in the same classroom in which the medium of instruction is both English and the language of the limited English proficient students.

SECTION x. Said chapter 71A, as so appearing, is hereby further amended by striking out

section 2 and inserting in place thereof the following section:

Section 2. Each school district shall determine annually, not later than the first day of March, under regulations promulgated by the department, the number of limited English proficient students within their school system in grades kindergarten through 12. At the beginning of any school year, the school committee shall establish a policy requiring that the district offer at least 1 English language learners program for all limited English proficient students. Every school district shall assess, using uniform assessment instruments prescribed by the department, the language dominance, level of English proficiency, and ability to perform regular education classroom work in English of a newly enrolled student who may be of limited English proficiency and the academic level of such student, for the purpose of placing the student in an English language learners program. Every limited English proficient student enrolled in a public school system shall participate in an English language learners program established by the school district in which the student resides, unless the parents or legal guardian of the student decide otherwise in accordance with section 3. An English language learners program shall consist of any of the following, or any combination thereof: transitional bilingual education, two-way bilingual education, structured English immersion, English as a second language, or other innovative program designed to accelerate English language proficiency approved by the department under section 2A. No school district with 20 or more limited English proficient students in any 1 language group may offer only English as a second language.

In any school district with 50 or more limited English proficient students in any 1 language group at the elementary school level, the school committee shall establish a policy requiring that the district offer at least 2 full time English language learners programs for those students. In any school district with 50 or more limited English proficient students in any 1 language group at the middle school level, the school committee shall establish a policy requiring that the district offer at least 2 fulltime English language learners programs for those students. In any school district with 50 or more limited English proficient students in any 1 language group at the high school level, the school committee shall establish a policy requiring that the district offer at least 2 fulltime English language learners programs for those students. The policy shall be consistent with the school district's course enrollment standards. In determining the types of English language learners programs to be offered, the policy determination of the school committee shall reflect that strong consideration was given to the programs requested by the parents or legal guardians of limited English proficient students.

SECTION x. Said chapter 71A is hereby further amended by inserting after section 2 the following two sections:

Section 2A. At least once every 3 years, each school district with any limited English proficient students shall submit a district plan to the commissioner for approval in accordance with regulations promulgated by the department. The office of language acquisition shall make recommendations to the commissioner on whether any such plan shall be approved. The district shall provide any limited English proficient student with an appropriate English language learners program to assist such student in becoming proficient in using the English language and to enable the student to participate effectively in the district's regular or advanced educational programs and extracurricular activities. To the extent practical, districts shall make available reasonable enrichment opportunities for interested limited English proficient students, either during or outside the regular school day, including, but not limited to, as part of an English language learners program or through foreign language courses or after school programs, to help

them maintain their native language skills. The district plan shall define and address all elements and goals of the program or programs to be chosen by the district. Prior to developing a district plan, the district shall notify parents or legal guardians of limited English proficient students within the district that such a plan is being developed, and shall involve such parents or legal guardians in the development and review of such plan.

In a school district with 20 or more limited English proficient students in any 1 language group, the district plan shall include, but not be limited to, the following:

(1) A description of programs and services currently being provided by the district to limited English proficient students.

(2) A description of the range of English language learners programs and services the district will make available to all limited English proficient students with a rationale for each option proposed, and a justification for any proposed changes in existing programs and services.

(3) A description of the opportunities the district will make available to limited English proficient students for instruction in maintaining or developing proficiency in their native language, including, but not limited to, as part of an English language learners program or through foreign language classes or after school programs.

(4) A description of how English language learners programs or services will be provided to ensure that a student has the opportunity to: (a) become proficient in using the English language for oral communication and literacy in English; (b) master curriculum content according to the district's curriculum guidelines, state academic standards and curriculum frameworks; and (c) be able to participate in the district's regular or advanced educational programs and extracurricular activities.

(5) A description of the qualifications and certification status of all staff who will provide English language learners programs and services to limited English proficient students.

(6) A description of the uniform assessment instruments, prescribed by the department, to be utilized by the district to determine the language dominance, level of English proficiency and ability to perform regular education classroom work in English of a newly enrolled student who may be of limited English proficiency and the academic level of such student, for the purpose of placing such student in a program established under this chapter. Such description shall include the qualifications of staff administering such assessments.

(7) A description of how the student's oral comprehension, speaking, reading and writing of English will be assessed annually by qualified personnel, using uniform assessment instruments prescribed by the department, and how these assessments will be used in conjunction with other evaluation information to determine when the student has achieved a level of English language proficiency that will enable the student to perform regular education class work.

(8) A description of how the school district will evaluate the effectiveness of English language learners programs and services provided to limited English proficient students in terms of helping such students attain English language proficiency and master academic standards and curriculum frameworks.

(9) A description of the measures that will be used to ensure that former limited English proficient students in regular education classrooms have the opportunity to continue their progress in all areas of the curriculum, including compliance with the academic standards and curriculum frameworks.

(10) A description of the measures that will be used to ensure that limited English proficient students whose parents or legal guardians have chosen to enroll them in a regular education classroom and not in an English language learners program will be provided the

opportunity to continue to progress in all areas of the curriculum, including compliance with the academic standards and curriculum frameworks.

(11) A description of the training to be provided for all staff in working with culturally and linguistically diverse student populations. Such description shall also include a staff development plan that describes how the district will build capacity among all staff in the school district to serve limited English proficient students.

(12) A description and documentation of how principals, teachers, parents or legal guardians of limited English proficient students, parent advisory councils and the general public were included in the development and review of the district plan.

(13) A description of how parents or legal guardians of limited English proficient students will be informed when it is determined through assessments prescribed by the department that their child can participate fully in the English language curriculum without native language or other language support services.

(14) A description of how parents or legal guardians of limited English proficient students will be provided the opportunity to continue to remain involved in English language learners programs.

In a school district with fewer than 20 limited English proficient students in any 1 language group, the district plan shall include, but not be limited to, the following:

(1) A description of the programs and services currently being provided by the district to limited English proficient students.

(2) A description of the range of English language learners programs and services the district will make available to all limited English proficient students with a rationale for each option proposed, and a justification for any proposed changes in existing programs and services.

(3) A description of the qualifications and certification status of all staff who will provide English language learners programs and services to limited English proficient students.

(4) A description of the uniform assessment instruments, prescribed by the department, to be utilized by the district to determine the language dominance, level of English proficiency, and ability to perform regular education classroom work in English of a newly enrolled student who may be of limited English proficiency and the academic level of such student, for the purpose of placing such student in an English language learners program. Such description shall include the qualifications of staff administering such assessments.

(5) A description of how the student's oral comprehension, speaking, reading and writing of English will be assessed annually by qualified personnel, using uniform assessment instruments prescribed by the department, and how these assessments will be used in conjunction with other evaluation information to determine when the student has achieved a level of English language proficiency that will enable the student to perform regular education class work.

A district plan shall be valid for 3 years. In the third year, a school district shall submit an updated district plan to the commissioner for approval in the manner provided herein for submission of a district plan. In addition to the requirements of this section for a district plan, the updated district plan shall also include documentation evidencing the academic outcomes for limited English proficient students served under the prior district plan.

In a school district with 20 or more limited English proficient students in any 1 language group, no district plan or updated district plan shall be submitted to the commissioner until after a public hearing, with due notice to interested parties, has been held on such plan. The district shall make any such plan available for public inspection at least 10 days prior to any public hearing. Due notice shall include notification published in a newspaper of general circulation in

the district, and other reasonable steps to notify parents of limited English proficient students within the district and other interested parties of such hearing, not less than 15 days prior to any such hearing. Any such notification shall include a brief description of the plan, the date, time and place of the hearing, and shall indicate the place where the plan is available for public inspection. Notices to parents or legal guardians of limited English proficient students required by this section shall, to the maximum extent possible, be in a language understandable by the parents or legal guardians.

If the commissioner determines that a district is not in compliance with this section, or that a district plan cannot be approved as submitted, the office of language acquisition shall provide advice and technical assistance to the district and shall set a date certain for the submission of a revised district plan. Regulations promulgated by the department to implement this chapter shall include, but not be limited to, measures to deal with districts that fail to submit district plans, or that submit district plans that the commissioner does not approve.

The district shall send report cards and progress reports, including, but not limited to, progress in becoming proficient in using the English language, and other school communications to the parents or legal guardians of students enrolled in English language learners programs in the same manner and frequency as report cards and progress reports of other students enrolled in the district. The reports shall, to the maximum extent possible, be written in a language understandable to the parents and legal guardians of such students.

Limited English proficient students in any English language learners program shall be taught to the same academic standards and curriculum frameworks as all students, and shall be provided the same opportunities to master such standards and frameworks as other students. Districts shall regularly assess mastery of academic standards and curriculum frameworks; provided, that such assessments may be conducted in a language other than English so long as the student remains in an English language learners program.

In order to encourage innovation and best practices, school districts may develop innovative programs designed to accelerate English language proficiency. Any such program shall provide limited English proficient students with the opportunity to develop oral comprehension, speaking, reading, and writing of English and to meet academic standards and curriculum frameworks.

Such programs may include, but not be limited to, modified bilingual world language bilingual education. All such programs shall be submitted to the department for review and approval. The office of language acquisition shall review and make recommendations on all such programs.

The office of educational quality and accountability shall conduct onsite visits to school districts with approved district plans, established under this section, at least once every 5 years for the purpose of evaluating the effectiveness of such plan and to validate evidence of educational outcomes.

The evaluation shall include, but not be limited to, a review of individual student records of all limited English proficient students, a review of the programs and services provided to limited English students to determine if they are in accordance with the district plan, and a review of the drop out rate of limited English proficient students formerly enrolled in the district's English language learners program or programs within the prior 3 years.

In the event a review and evaluation undertaken under this section demonstrates that a district is substantially out of compliance with the district plan, or is failing to adequately improve educational outcomes for limited English proficient students enrolled in English language

learners programs, the commissioner may recommend to the board of education that any school within the district be declared underperforming under sections 1J and 1K of chapter 69.

Section 2B. School districts shall assess annually all limited English proficient students in the oral comprehension, speaking, reading, and writing of English by means of English proficiency uniform assessment instruments intended for limited English proficient students, which have been prescribed by the department. Except as provided in this section, any limited English proficient student may remain in an English language learners program for a period of 2 years, or until such time as the student achieves a level of English language proficiency that will enable the student to perform successfully in classes in which instruction is given only in English as determined by scores on English proficiency assessments as set forth in this section, whichever occurs first. Only full-day kindergarten shall be counted toward the time limitations set forth in this section. School districts shall develop an intensive English learning success plan for any limited English proficient student whom the district determines fails to achieve scores on English proficiency assessments that, in the determination of the department, reflect sufficient progress toward achieving English language proficiency following the student's first year in any English language learners program. Any such plan shall be developed with the participation and approval of the student's parents or legal guardian. The plan shall concentrate on the needs of the student to master English language literacy skills and shall specify such instruction or services as intensive English classes, intensive tutoring, after or before school programs, summer programs, literacy mentoring, and other academic supports that will assist the student in the rapid acquisition of English necessary to access academic standards and curriculum frameworks at grade level. Any student who fails to achieve scores on English proficiency assessments that, in the determination of the department, reflect sufficient proficiency that will enable the student to perform successfully in classes in which instruction is given only in English, may remain in such intensive plan for up to 1 additional year, with the approval of the student's parents or legal guardian.

Any limited English proficient student enrolled in a two-way bilingual education program who has achieved sufficient scores on English proficiency assessments that, in the determination of the department, reflect a level of English proficiency appropriate to the student's grade level, may remain enrolled in such programs for longer than 3 years.

If later evidence suggests, as determined by the school district, that a limited English proficient student transferred from an English language learners program to a regular education program prior to his third year in such English language learners program is still disadvantaged by a lack of English proficiency and may benefit from being reenrolled, under an intensive English learning success plan, in an English language learners program offered by the district, such student, with the approval of the student's parents or legal guardian, may be so reenrolled for a length of time equal to that which remained at the time he was transferred.

Nothing in this chapter shall be construed to prohibit, limit, restrict or prevent, an educational agency, as defined in 20 U.S.C. 1720 from complying with the provisions of 20 U.S.C. 1703 (f).

In the event of any conflict between this chapter and an individual educational plan developed for a school age child with a disability under chapter 71B, the provisions of such plan shall prevail.

SECTION x. Said chapter 71A, as so appearing, is hereby further amended by striking out



section 3, and inserting in place thereof the following section: -

Section 3. School districts shall notify, in writing, the parents or legal guardian of a limited English proficient student of the English language learners program that are available within the district, and shall recommend a specific program for the student. Such notice shall be sent by mail not later than 10 days after the enrollment of the student in the school district. The notice shall contain a simple, non technical description of the purposes, method and content of the various programs, reasons for the school district's recommendation of a specific program, and shall inform the parents or legal guardian that they have the right to visit English language learners program classes in the school district, and to come to the school for a conference to explain the nature of the various English language learners programs. The notice shall further inform such parents or legal guardian that they have the absolute right, if they so desire, to choose any English language learners program for the student from among those provided by the school district, to prevent the student from being placed in an English language learners program, or to withdraw the student from a program, in the manner as hereinafter provided in this section. The notice shall also inform such parents or legal guardian of the existence of any parent advisory council established within the district under this section. Any such notice shall be written in English and in the language of which the parents or legal guardians so notified possesses a primary speaking ability.

In any case where a district recommends that a student be placed in an English language learners program, the parents or legal guardian of such student shall have the right, either at the time of the original notification under this section, or at the close of any marking period thereafter, to choose an English language learners program for the student from among those provided by the school district, to prevent the student from being placed in an English language learners program, or to withdraw the student from such program by sending written notice of such decision by mail to the school authorities of the school district in which the student is enrolled. Such written notice shall be sent not later than 10 school days after receipt of the notice sent by the school district, under this section. In the case of a student who is to be withdrawn from an English language learners program, the written notice shall be sent not later than 10 school days after the close of any marking period.

Each school district operating an English language learners program or programs for 20 or more limited English proficient students in any 1 language group shall establish a parent advisory council. The parent advisory council shall be comprised of parents or legal guardians of students who are enrolled in English language learners programs within the district. Each parent advisory council shall have at least 1 representative from every language group in which a program is conducted in a given district. Membership shall be restricted to parents or legal guardians of students enrolled in English language learners programs within the district. The duties of the parent advisory council shall include, but not be limited to, advising the school district on matters that pertain to the education of students in English language learners programs, meeting regularly with school officials to participate in the planning, development, implementation, and evaluation of the district plan required by this chapter, and to participate in the review of school improvement plans established under section 59C of chapter 71 as they pertain to limited English proficient students. Any parent advisory council may, at its request, meet at least once annually with the school council. The parent advisory council shall establish by-laws regarding officers and operational procedures. In the course of its duties under this section, the parent advisory council shall receive assistance from the director of English language learners programs for the district or other appropriate school personnel as designated by the

superintendent.

SECTION x. Said chapter 71A, as so appearing, is hereby further amended by striking out section 4, and inserting in place thereof the following section: -

Section 4. A school district may allow a nonresident limited English proficient student to enroll in or attend its English language learners programs, and the tuition for such student shall be paid by the school district in which the student resides.

Any school district may join with any other school district or districts to provide English language learners programs required or permitted by this chapter.

SECTION x. Said chapter 71A, as so appearing, is hereby further amended by striking out section 5, and inserting in place thereof the following section:-

Section 5. In order to ensure daily opportunities for speaking English and for contact with English speaking peers, limited English proficient students shall participate fully with their English-speaking peers in those regular education classrooms, subjects or activities in which verbalization in English is not essential to understanding, including, but not necessarily limited to, homeroom, art, music, physical education, recess and lunch. Each school district shall ensure that limited English proficient students have practical and meaningful opportunity to participate fully in the extra-curricular activities of the regular education programs in the district. English language learners programs shall be located, whenever feasible, in the regular public schools of the district rather than separate facilities.

Students enrolled in an English language learners program, whenever possible, shall be placed in classes with students of approximately the same age and level of educational attainment. If students of different age groups or educational levels are combined, the school district so combining shall ensure that the instruction given each student is appropriate to the student's level of educational attainment and the school district shall keep adequate records of the educational level and progress of each student enrolled in a program. The maximum student-teacher ratio and age span shall be set by the department and shall reflect the unique educational needs of children enrolled in English language learners programs.

SECTION x. Said chapter 71A, as so appearing, is hereby further amended by striking out section 6 and inserting in place thereof the following section:

Section 6. The commissioner shall grant certificates to teachers of bilingual education or English as a second language under section 38G of chapter 71; provided, that teachers of structured English immersion, or innovative programs approved by the department under section 2A shall be certified in bilingual education or English as a second language. No person shall be eligible for employment by a school district as a teacher of bilingual education, or English as a second language, except as provided in this section, unless he has been granted a certificate by the commissioner under said section 38G with respect to the type of position for which he seeks employment. Nothing in this section shall be construed to prevent a school committee from prescribing additional qualifications.

In cases of shortages of certified teachers of bilingual education or English as a second language, as determined by the commissioner, the commissioner may grant a waiver to a teacher of bilingual education or English as a second language who is not certified with respect to the type of position for which he seeks employment, if he presents the commissioner with satisfactory evidence indicating he: (1) possesses a speaking and reading ability in a language,

other than English, in which English language learners programs are offered and is proficient in written and oral English; (2) is of sound moral character; (3) possesses a bachelor's degree or earned a higher academic degree; (4) meets such requirements as to courses of study, semester hours therein, experience and training as may be required by the board of education that will enable him to become a certified teacher of bilingual education, or English as a second language in the state; and (5) is legally present in the United States and possess legal authorization for employment. Any waiver shall be subject to annual renewal by the commissioner; provided, that the waiver may be renewed not more than 4 times. In granting a waiver under this section, the commissioner shall give preference to persons who have been certified as teachers in their country or place of national origin.

SECTION x. Said chapter 71A, as so appearing, is hereby further amended by striking out section 7 and inserting in place thereof the following section:

Section 7. A school district may establish, on a full or part-time basis, preschool or summer school English language learners programs for limited English proficient students or join with the other school districts in establishing such preschool or summer programs. Preschool or summer programs shall not substitute for English language learners programs required to be provided during the regular school year. A school district may establish after school programs to assist limited English proficient students in developing and maintaining native language proficiency.

SECTION x. Notwithstanding any general or special law to the contrary, each school district shall, within 5 years of the effective date of this act, have at least 1 teacher who is certified in English as a second language, bilingual education or other English language learners program under section 38G of chapter 71 or regulations promulgated thereto.

SECTION x. Notwithstanding any general or special law to the contrary, any school district with 200 or more limited English proficient students enrolled in the school system that appoints a person to be its director of English language learners programs shall appoint a person who is certified in English as a second language, bilingual education or other English language learners program under section 38G of chapter 71 or regulations promulgated thereto.

SECTION x. Notwithstanding any general or special law to the contrary, any limited English proficient student, as defined in section 1 of chapter 71A of the General Laws, who was enrolled in a public secondary school in the commonwealth directly from a country other than the United States of America, and who was unable to achieve proficiency in the English language, as determined by English proficiency assessments established under section 2B of said chapter 71A, prior to leaving such public secondary school, to the extent possible shall be given access to English language and literacy skill instruction courses offered through the adult basic education program established under section 1H of chapter 69 of the General Laws.

SECTION x. Notwithstanding any general or special law to the contrary, within 5 years of the effective date of this act, if the department of education implements any foreign language requirement on school districts, such requirement shall be mandatory for elementary schools.”

**AMENDMENT #89** Mr. Sánchez of Boston moves to amend the bill in Section 1K, in

subsection c, in line 326, by inserting after “students and students receiving special education.” the following:

“Notwithstanding any other provisions in law, all schools which enroll underperforming limited English proficient students shall establish and submit to the Commissioner a limited English proficient program plan. A limited English proficient program shall be an expert based language program designed to teach English and content and to accelerate English language proficiency and academic achievement on measures approved by the department under section 2A. Each limited English proficient program plan shall demonstrate that limited English proficient students will be taught by teachers and staff trained under the Department’s standards, utilizing appropriate curricular materials and assessment instruments to reflect the Limited English Proficient students’ growth in English proficiency and academic content. The Limited English Proficient program plan submitted to the Commissioner shall reflect that strong consideration was given to the programs requested by the parents or legal guardians of the Limited English Proficient students.”

**AMENDMENT #90** Mr. Sánchez of Boston moves to amend the bill by adding the following section:

“Section x: Any underperforming or chronically underperforming school operating a Limited English Proficient program or programs for limited English proficient students in any 1 language group shall establish a Limited English Proficient parent advisory council. The parent advisory council shall be comprised of parents or legal guardians of students who are enrolled in Limited English Proficient programs within the district. Each parent advisory council shall have at least 1 representative from every language group in which a program is conducted in a given district. Membership shall be restricted to parents or legal guardians of students enrolled in Limited English Proficient programs within the district. The duties of the parent advisory council shall include, but not be limited to, advising the school district on matters that pertain to the education of students in Limited English Proficient programs, meeting regularly with school officials to participate in the planning, development, implementation, and evaluation of the district plan required by this chapter, and to participate in the review of school improvement plans established under section 59C of chapter 71 as they pertain to limited English proficient students. Any parent advisory council may, at its request, meet at least once annually with the school council. The parent advisory council shall establish by-laws regarding officers and operational procedures. In the course of its duties under this section, the parent advisory council shall receive assistance from the director of Limited English Proficient programs for the district or other appropriate school personnel as designated by the superintendent.”

**AMENDMENT #91** Representatives Grant of Beverly, Provost of Somerville, Pignatelli of Lenox, and Sciortino of Medford move to amend the bill in section 2, in line 588, by striking out the following sentence: “In the case of a district approaching its net school spending cap, the board shall give preference to applications from providers building networks of schools in more than 1 municipality”.

**AMENDMENT #92** Representatives Grant of Beverly, Provost of Somerville, Gregoire of Marlborough, Pignatelli of Lenox, Fernandes of Milford, and Benson of Lunenburg move to amend the bill in Section 2 by striking out subsection (ff) and inserting in the place thereof the following section:

“(ff) For each student enrolling in a charter school, there shall be a school choice tuition amount.

Said tuition amount shall be not more than five thousand dollars per pupil per year; provided, however, that for non-residential special education students, the tuition amount shall remain the expense per student for such type of education as is required. Any remaining tuition shall be funded by a separate line item in the budget of the Department of Elementary and Secondary Education; provided, that no funds shall be taken from Chapter 70 school funding.”

**AMENDMENT #93** Mr. O’Day of West Boylston moves to amend H. 4410 by adding Section ## to the end thereof; “section 2 of chapter 27 of the Acts 2009 is hereby further amended by inserting the following language: ‘for police career incentives to reimburse certain cities and towns for career incentive salary for police officers.’”

**AMENDMENT #94** Ms. Clark, Grant, Harkins, and Gregoire move to amend H. 4410 section 2 subsection (hh) by striking “20” from line 924 before “per cent” and inserting in place thereof “10”

**AMENDMENT #95** Ms. Clark, Gregoire, and Grant move to amend H. 4410 section 2 subsection (i) by striking “may” from line 562 before “give” and inserting in place thereof “shall”

And move to further amend H. 4410 section 2 subsection (i) by inserting in line 562 after “community” the following “and political”

**AMENDMENT #96** Representative Sannicandro of Ashland, Representative Gregoire of Marlboro, Representative Grant of Beverly, Representative Garballey of Arlington, Representative Callahan of Sutton, Representative Keenan of Salem, Representative Provost of Somerville, and Representative Stanley of Waltham move to amend House Bill 4410 by inserting at the end thereof the following section:-

SECTION XX. (i)Notwithstanding any special or general law to the contrary, the department shall ensure that the total proportion of students who receive special education services at a charter school shall be greater than or equal to the total proportion of students who receive special education services in the charter communities. The proportion of the students receiving special education services at the charter must be in the same proportions as those found in the charter communities based on the percent of program time receiving special education services for each of the following groups of students, those students receiving under 25% program time special education services, those students receiving between 25% and 75% program time special education services, and those students receiving over 75% program time special education services. The board shall establish guidelines for revocation for schools whose total proportion of students who receive special education services is less than the total proportion of students who receive special education services in the charter communities. A charter school whose total proportion of students who receive special education services is found by the department to be less than the total proportion of students who receive special education services in the charter communities shall have one year to comply. Should the charter school not be found in compliance within one year, the department shall reduce the district’s funds proportionately.

**AMENDMENT #97** Ms. Dorcena Forry of Boston, Ms. Fox of Boston and Ms. Allen of

Boston move to amend the bill in Section 2, in line 596, by inserting after the word “students” the following:

“from either special education or students who are limited English proficient or similar language proficiency as measured by the Massachusetts English Proficiency Assessment examination and 2 or more of the following categories: students eligible for free lunch; students eligible for reduced price lunch; students who are sub-proficient, which shall mean students who have scored in the “needs improvement”, “warning” or “failing” categories on the mathematics or English language arts exams of the Massachusetts Comprehensive Assessment System for 2 of the past 3 years or as defined by the department using a similar measurement; students who are determined to be at risk of dropping out of school based on predictors determined by the department; students who have dropped out of school; or other at-risk students who should be targeted in order to eliminate achievement gaps among different groups of students.”

**AMENDMENT #98** Ms. Polito of Shrewsbury moves that House Bill 4410 be amended by striking out the paragraph in lines 137 to 142 and adding in the following new paragraph:-  
If the superintendent does not accept an application submitted pursuant to clause (vii) or if an employee does not submit such an application, the principal, administrator, teacher, or staff member shall retain such rights as may be provided under law or any applicable collective bargaining agreement, except that they shall not have the right to displace any teacher in any other school. Notwithstanding any collective bargaining agreement to the contrary, a teacher with professional teacher status in a school declared underperforming or chronically underperforming may be dismissed for good cause, provided that any such dismissal process will be reviewed solely and exclusively by expedited arbitration.

**AMENDMENT #99** Representatives Smizik of Brookline, Garballey of Arlington, Stanley of Waltham, Clark of Melrose, Grant of Beverly, Provost of Somerville, Fagan of Taunton, Sannicandro of Ashland, Smith of Everett, Sciortino of Medford, DiNatale of Fitchburg, Pignatelli of Lenox, Gregoire of Marlborough, Guyer of Dalton, and Balser of Newton move to amend House 4410 in SECTION 2, in Chapter 71, section 89 (h), by striking the second sentence, lines 525 to 528, inclusive, and inserting in place thereof the following sentence:-

“Before final approval to establish, expand or renew a commonwealth charter school, the board shall: (i) hold a public hearing on said application in the school district in which the proposed charter school is to be located, at which time at least one member of the board shall attend; (ii) solicit and review comments on the application from the local school committee from each school district in which said charter school is expected to enroll students; and, (iii) require approval by the local school committee where the charter school is located; or in the case of a regional school district the approval of all the school committees in the region.”

**AMENDMENT #100** Representatives Smizik of Brookline, Grant of Beverly, Smith of Everett, Stanley of Waltham, DiNatale of Fitchburg, Pignatelli of Lenox, Gregoire of Marlborough, and Balser of Newton move to amend the house bill 4410 in SECTION 2, in Chapter 71, section 89, subsection (h), paragraph (2), lines 546 and 550; and paragraph (3), line 573, by striking out "18 per cent" and inserting in place thereof "14 per cent";

and, in paragraph (3), lines 573 to 590, inclusive, by striking out the second and third sentences and inserting in place thereof the following sentence:-

"For a district qualifying under this paragraph whose charter school tuition payments exceed 9 per cent of said school district's net school spending, the board shall only approve an application for the establishment of a commonwealth charter school if an applicant has a record of operating at least 1 school or similar program that demonstrates academic success and organizational viability and serves student populations similar to those the proposed school seeks to serve, from at least one of the following categories: special education; limited English proficient of similar language proficiency level as measured by the Massachusetts English Proficiency Assessment examination; or students who have dropped out of school."

**AMENDMENT #101** Representatives Lewis of Winchester, Erlich of Swampscott, Guyer of Dalton, Sannicandro of Ashland, Dykema of Holliston, Cantwell of Marshfield, DiNatale of Fitchburg, Alicea of Charleton, Provost of Somerville, Ferrante of Gloucester and Garballey of Arlington, Balser of Newton, move to amend the bill by adding the following section:

Section XX. In order to determine, as a basis for legislative action, the resources needed to achieve the commonwealth's educational goals, a committee, to be known as the Education Resource Study Committee, made up of the chairs of the joint committee on education, the secretary of administration and finance, or her designee, the secretary of the executive office of education, or her designee, the commissioner of elementary and secondary education, or his designee, is hereby authorized to conduct a study to determine the resources necessary to achieve the commonwealth's educational goals. The committee shall contract with an independent consultant to conduct an assessment to ascertain the resources and the costs of the resources needed to provide all students in Massachusetts with the opportunity for a high quality education to enable them to reach their potential as set forth in the Education Reform Act of 1993 and in this act.

For purposes of its work, the committee and consultant shall have access to all necessary papers, vouchers, books and records pertaining to the department of elementary and secondary education and to any school district in the commonwealth. The department of elementary and secondary education shall cooperate with the committee and consultant for any purpose connected to its work pursuant to this act including, but not limited to, participating in interviews and producing books, records and documents. School districts and their personnel shall make every effort to cooperate with reasonable requests of the committee and consultant for any purpose connected to its work pursuant to this act and to the extent possible shall participate in interviews and producing books, records and documents. The committee and consultant may request reasonable assistance from the commissioner of elementary and secondary education and from the superintendent of any school district. The commissioner shall furnish the committee and consultant with any relevant information in his possession which is requested by the committee and consultant. School districts shall endeavor to provide relevant information in their possession to committee and consultant to the extent possible consistent with the need to maintain the confidentiality of information in their possession.

The committee shall:

(1) Prepare a request for proposals for the conduct of a resource study, advertise nationally for such proposals, evaluate the proposals and contract with an appropriate independent entity or independent consultants to conduct a professional evaluation of

a) the extent of educational and other resources required by school districts so that they are able to implement fully each of the seven curriculum frameworks and fulfill the goals of the Education Reform Act and this act, and

b) the resources required by the department of elementary and secondary education so that it is able to fulfill its responsibilities under the provisions of the Education Reform Act. Such responsibilities shall include providing technical assistance to school districts so that they can improve the capacity of school districts to implement the curriculum frameworks effectively and devising instructional strategies which improve learning for diverse student populations.

(2) Include in its request for proposals the requirements that in conducting its study, the consultant shall do the following:

(a) consider and evaluate all the resources which relate to student learning and educational opportunity, including, but not limited to: class size; special education programs, including programs for English language learners; pre-school programs for all 3 and 4 year-olds and full-day kindergarten; additional resources needed to assure educational opportunity for low-income students; salaries needed to attract and retain high quality professionals; technology; extra-curricular programs; remedial programs for students at risk of failing to satisfy graduation requirements; additional resources needed to implement the model curriculum on global education and international studies as developed by the department of elementary and secondary education; quality books and equipment for science labs programs; programs which insure adequate preparation for careers in science, technology engineering and mathematics; and historical inequities and methods of preventing such inequities from arising in the future

(b) provide the committee with a proposed work plan before beginning the study;

(c) interview and consult with representatives of educational professions and other groups involved in issues of educational policy and finance, including, but not limited to the Massachusetts Association of School Superintendents, the Massachusetts Association of School Committees, the Massachusetts Teachers Association, the American Federation of Teachers/Massachusetts, the Massachusetts Secondary School Administrators Association, the Massachusetts Municipal Association, the Rennie Center for Education Research and Policy, the Council for Fair School Finance, the Massachusetts Budget and Policy Center, the Massachusetts Taxpayers Foundation, Massachusetts Business Alliance for Education, the Commissioner of the Department of Elementary and Secondary Education, the Robert H. Goddard Council on Science, Technology, Engineering and Mathematics (STEM) Education, the Massachusetts STEM Resource Network, the Massachusetts Parent Teacher Organization, Stand for Children, academics and researchers involved in educational strategies, and the general public through public hearings and through such other means as the consultant shall direct;

(d) review successful educational programs in schools and school districts with diverse socio-economic characteristics and racial make-up and assess the possibility of replicating such programs in other schools and school districts;

(e) consider and evaluate opportunities for greater efficiencies and cost savings within and among school districts, including, but not limited to consolidation of districts, consolidation of purchasing and other administrative functions, and leveraging online/distance learning



capabilities;

(f) file monthly progress reports with the committee outlining the work of the previous month and the work planned for the upcoming month;

(g) after the completion of one-third of the work and again after completion of two-thirds of the work, participate in a forum with the committee to provide an opportunity for public comment;

(h) issue a preliminary report on its work and the cost study and solicit comments, criticisms and suggestions from professional educators, education administrators and experts in education policy and finance concerning the report; and

(i) deliver a final report to the President of the Senate, the Speaker of the House of Representatives, and the Joint Committee on Education no later than September 1, 2011.

**AMENDMENT #102** Mr. Sciortino of Medford moves to amend H.4410 in section 2, by deleting subsection (z) and replacing it with the following:-

(z) Each local school district may grant a leave of absence to any professional status teacher in the public schools system requesting such leave in order to teach in a commonwealth charter school. A professional status teacher may request a leave of absence for up to 2 years.

At the end of the second year the professional status teacher may either return to the former teaching position or resign from the school district position.

**AMENDMENT #103** Mr. Sciortino of Medford moves to amend H. 4410 in section 2, line 920 after the phrase “fiscal year” add the following:-

“as is reported in a capital plan to be submitted in the school’s most recent annual report” and in line 927 after the sentence ending “of each year” add the following sentence “Notwithstanding the above provisions, the total amount retained by each school cannot exceed 5% of the total gross income in any fiscal year.”

**AMENDMENT #104** Mr. Sciortino of Medford moves to amend H. 4410 in section 2, subsection (p), by striking the first sentence and inserting in place thereof the following paragraph:-

A student may withdraw from a charter school at any time and enroll in another public school where the student resides. When a student stops attending a charter school for any reason, the charter school shall fill that vacancy with the next available student on the waitlist for the grade in which the vacancy occurs and shall continue through the waitlist until a student fills the vacant seat. If there is no waitlist, a charter school shall publicize an open seat and make attempts to fill the vacant seat. Charter schools shall attempt to fill vacant seats. Within 30 days of a vacancy being filled, the charter school shall send the name of the student filling the vacancy to the department for the purpose of the department uploading its waitlist. If a vacancy occurs and is not filled by the end of the school year, the vacancy shall remain with the grade cohort and shall be filled in the following September if it has not previously been filled. This subsection is subject to rules and regulations promulgated by the department.

**AMENDMENT #105** Mr. Sciortino of Medford and Mr. Sannicandro of Ashland move to amend H.4410 by adding at the end of the bill the following section:-

**SECTION .** The Commissioner of Elementary and Secondary Education shall select a panel of three experts from a list of nationally qualified experts in educational assessment provided by the National Research Council of the National Academy of Sciences, and two educators, one an

elementary teacher and the other a secondary school teacher, from a list of experienced teachers provided by the Massachusetts Teachers Association and the AFT-Massachusetts, to perform a study of the statewide standardized tests established in section 1I of Chapter 69 of the General Laws, as appearing in the 2008 Official Edition.

The study shall review the validity, reliability, quality and age and language appropriateness of the standardized tests established in section 1I. It shall evaluate the extent to which the MCAS tests reflect and assess the full range of the subject areas, including higher order thinking skills. The study shall review both possible benefits and negative consequences of using such tests in meeting the high school graduation competency determination. The study shall also make recommendations on the development of local interim and summative assessments and professional development for teachers in using those assessments and in the use of effective formative assessment practice.

The Commissioner of Elementary and Secondary Education shall enter into a contract on behalf of the Department of Elementary and Secondary Education, with the selected panel to conduct such a study. The Commissioner and the Department of Elementary and Secondary Education shall assist the panel in obtaining all information, documents or other evidence necessary to conduct the study. The department may use a portion of such funds as may be received from the Race to the Top program in the federal ARRA for this purpose.

The findings, conclusions and recommendations of the Commission shall be presented to the Board of Elementary and Secondary Education, to the Joint Committee on Education, and published on the Department of Elementary and Secondary Education website no later than December 31, 2010.

**AMENDMENT #106** Mr. Sciortino of Medford and Mr. Sannicandro of Ashland move to amend H.4410 by adding at the end of the bill the following section:-

**SECTION .** The MCAS exam, as established in section 1I of Chapter 69 of the General Laws, shall not be used for the purpose of competency determination for high school graduation.

**AMENDMENT #107** Mr. Sciortino of Medford moves to amend H. 4410 in section 3, after line 1082 by adding the following sentences:-

The Commissioner shall establish a grant program known as the Innovation Schools Grant Program. Innovation plan committees may apply for funds through said grant program for assistance in developing school plans, including but not limited to technical assistance, curriculum development, and developing innovative assessment systems. The grants may use money from the state's Targeted Assistance program, the Race to the Top program in the federal ARRA, and other sources, subject to appropriation.

**AMENDMENT #108** Mr. Sciortino of Medford moves to amend H.4410 as follows:-

After line 17 of the bill, add the following new lines:- "Mobile student", any student who has been enrolled in a public school district for less than one academic year.; in line 41 of the bill, after the word "proficiency" add the following: ", mobile students"; in line 80 of the bill, after the words "English proficient students" add the following: ", mobile students"; in line 89 of the bill, after the word "education" add the following: ", mobile students"; in line 308 of the bill, after the words "limited English proficient students" add the following: ", mobile students"; in line 317 of the bill, after the word "education" add the following: ", mobile students"; and at the end of Section 1, add the following subsection:-

( ) The Department of Elementary and Secondary Education shall come up with definitions of different populations of mobile students, including, but not limited to, students who move

multiple times in short periods of time, students who move in or out in the middle of a school year, and high mobility districts, high mobility schools, and hyper mobility. The Department shall review such mobility factors as they may impact student, school, and district academic performance, and in determining the needs of underperforming and chronically underperforming schools.

**AMENDMENT #109** Mr. Sciortino of Medford moves to amend H.4410 by adding at the end of Section 2 the following subsection:-

( ) The Attorney General of the Commonwealth of Massachusetts shall review the funding of Commonwealth Charter Schools. The review shall consider whether the Commonwealth and cities and towns of the Commonwealth are prohibited from using public funds on charter schools, including whether the funding mechanism described in this section is a violation of the Constitution of the Commonwealth of Massachusetts, Art. XLVI, which prohibits state and local moneys raised and expended for the support of common schools being used for “other schools than those which are conducted according to law, under the order and superintendence of the authorities of the town or city in which the money is expended.”

The findings and conclusions of the Attorney General shall be presented to the Joint Committee on Education, the House Committee on Ways and Means, the Senate Committee on Ways and Means, and the Joint Committee on the Judiciary no later than April 1, 2010.

**AMENDMENT #110**

Mr. Sciortino of Medford moves to amend H.4410 by striking lines 905 to 908 of the bill.

**AMENDMENT #111**

Mr. Sciortino of Medford moves to amend H. 4410 in section 2, subsection (n), by striking the second and third paragraphs and inserting in place thereof the following paragraphs:-

A charter school shall not administer tests to potential applicants or predicate enrollment on results from a test of ability or achievement, unless the school is a performing, visual or graphic arts school, which may hold auditions for applicants. Criteria for enrollment in a charter school, including, but not limited to, attendance at informational meetings and interviews, a parent’s commitment to volunteer at the school or a parent’s agreement to sign a contract or other form of written agreement with the school, shall not be designed, intended or used to discriminate against a student or to deny a student enrollment in a charter school and shall not be used as a requirement for participation in the lottery or for admission. If the total number of students who are eligible to attend and apply to a charter school and who reside in a district from which the charter school is permitted to enroll students, or are siblings of students already attending said charter school, is greater than the number of spaces available, an admissions lottery, including all eligible students applying, shall be held to fill all of the spaces in the school from among the students.

The names of students who entered the lottery but did not gain admission shall be maintained on a waitlist, which shall be forwarded to the department no later than June 1 in the year in which the lottery is held. In addition to the names of students, the school shall supply to the department each student’s home address, telephone number, grade level, and other information the department deems necessary. The department shall maintain a consolidated waitlist for each municipality in order to determine the number of individual students in each municipality

seeking admission to charter schools.

## **AMENDMENT #112**

Mr. Jones of North Reading, Mr. Peterson of Grafton, Mr. Hill of Ipswich, Ms. Poirier of North Attleboro, and Mr. deMacedo of Plymouth move to amend House Bill 4110 by adding at the end thereof the following new section:

“SECTION XX. In order to determine, as a basis for legislative action, the resources needed to achieve the commonwealth’s educational goals, a committee, to be known as the Education Resource Study Committee, made up of the chairs of the joint committee on education, the secretary of administration and finance, or his designee, and the secretary of executive office of education or his designee, may conduct a study to determine the resources necessary to achieve the commonwealth’s educational goals. The committee shall contract with an independent consultant to conduct an assessment to ascertain the resources and the costs of the resources needed to provide all students in Massachusetts with the opportunity for a high quality education to enable them to reach their potential as set forth in chapter 71 of the acts of 1993 and in this act.

For purposes of its work, the committee and consultant shall have access to all necessary papers, vouchers, books and records pertaining to the department of elementary and secondary education and to any school district in the commonwealth. The department of elementary and secondary education shall cooperate with the committee and consultant for any purpose connected to its work including, but not limited to, participating in interviews and producing books, records and documents. School districts and their personnel shall make every effort to cooperate with reasonable requests of the committee and consultant for any purpose connected to its work pursuant to this act and to the extent possible shall participate in interviews and producing books, records and documents. The committee and consultant may request reasonable assistance from the commissioner of elementary and secondary education and from the superintendent of a school district. The commissioner shall furnish the committee and consultant with relevant information in his possession which is requested by the committee and consultant. School districts shall endeavor to provide relevant information in their possession to committee and consultant to the extent possible consistent with the need to maintain the confidentiality of information in their possession.

The committee shall:

- (1) Prepare a request for proposals for the conduct of a resource study, advertise nationally for such proposals, evaluate the proposals and contract with an appropriate independent entity or independent consultants to conduct a professional evaluation of:(a) the extent of educational and other resources required by school districts so that they are able to fully implement each of the 7 curriculum frameworks and fulfill the goals of said chapter 71 of the acts of 1993 and this act; and (b) the resources required by the department of elementary and secondary education so that it is able to fulfill its responsibilities under the provisions of this act; provided, however, that the responsibilities shall include providing technical assistance to school districts so that they can improve the capacity of school districts to implement the curriculum frameworks effectively and devising instructional strategies which improve learning for diverse student populations; and
- (2) Include in its request for proposals the requirements that in conducting its study, the

consultant shall: (a) consider and evaluate all the resources which relate to student learning and educational opportunity, including, but not limited to class size, special education programs, including programs for English language learners, preschool programs for all 3 and 4 year olds and full day kindergarten, additional resources needed to assure educational opportunity for low income students, salaries needed to attract and retain high quality professionals, technology, extracurricular programs, remedial programs for students at risk of failing to satisfy graduation requirements, additional resources needed to implement the model curriculum on global education and international studies as developed by the department of elementary and secondary education, quality books and equipment for science labs programs, programs which insure adequate preparation for careers in science, technology engineering and mathematics and historical inequities and methods of preventing such inequities from arising in the future; (b) provide the committee with a proposed work plan before beginning the study; (c) interview and consult with representatives of educational professions and other groups involved in issues of educational policy and finance, including, but not limited to the Massachusetts Association of School Superintendents, the Massachusetts Association of School Committees, the Massachusetts Teachers Association, the American Federation of Teachers/Massachusetts, the Massachusetts Secondary School Administrators Association, the Massachusetts Municipal Association, the Rennie Center for Education Research and Policy, the Council for Fair School Finance, the Massachusetts Budget and Policy Center, the Massachusetts Taxpayers Foundation, Massachusetts Business Alliance for Education, the commissioner of the department of elementary and secondary education, the Robert H. Goddard Council on Science, Technology, Engineering and Mathematics Education, the Massachusetts Science, Technology, Engineering and Mathematics Resource Network, the Massachusetts Parent Teacher Association, Inc., Stand for Children, Inc., academics and researchers involved in educational strategies and the public through public hearings and through other means as the consultant shall direct; (d) review successful educational programs in schools and school districts with diverse socioeconomic characteristics and racial makeup and assess the possibility of replicating such programs in other schools and school districts; (e) file monthly progress reports with the committee outlining the work of the previous month and the work planned for the upcoming month; (f) after the completion of one third of the work and again after completion of two thirds of the work, participate in a forum with the committee to provide an opportunity for public comment;

(g) issue a preliminary report on its work and the cost study and solicit comments, criticisms and suggestions from professional educators, education administrators and experts in education policy and finance concerning the report; and (h) deliver a final report to the president of the senate, the speaker of the house of representatives, and the joint committee on education not later than September 1, 2011.

### **AMENDMENT #113**

Mr. Jones of North Reading, Mr. Peterson of Grafton, Mr. Hill of Ipswich, Ms. Poirier of North Attleboro, and Mr. deMacedo of Plymouth move to amend House Bill 4410 by adding at the end thereof the following:

“SECTION XX. Notwithstanding any general or special law to the contrary, to qualify for “Race to the Top” funds, a school district must submit to the commissioner of elementary and secondary education a copy of an external audit of the district’s curriculum as evidence that the district has complied with the state’s curricular framework.”

**AMENDMENT #114**

Representatives Guyer of Dalton, Garry of Dracut, Dykema of Holliston, Atkins of Concord, Callahan of Sutton, Alicea of Charlton, Kulik of Worthington, Hill of Ipswich, Smola of Palmer, Keenan of Salem, Benson of Lunenburg, Pignatelli of Lenox, Sandlin of Agawam, Quinn of Dartmouth, DiNatale of Fitchburg, Ross of Wrentham, Gregoire of Marlborough, and Provost of Somerville move to amend the bill by inserting after Section 5 the following section:-

SECTION XX. (a) The Board of Education is directed to develop for fiscal year 2011 a method to include mandated regional school transportation as defined in Section 16C of Chapter 71 of the General Laws as a category of aid in the chapter 70 funding formula, to be included in state school aid. The method adopted shall also include a provision to include prior year’s regional transportation as “base aid.”

(b) The Board of Education shall develop such method and file appropriate legislation with the clerk of the House of Representatives by June 30, 2010.

**AMENDMENT #115**

Representative Guyer of Dalton, Alicea of Charlton, Kulik of Worthington, Dykema of Holliston, Callahan of Sutton, Benson of Lunenburg, Smola of Palmer, Keenan of Salem, and Provost of Somerville move to amend the bill by inserting after Section 5 the following section:-

SECTION XX. Section 16C of chapter 71 of the General Laws as appearing in the 2008 Official Edition, is hereby amended by inserting in line 11 after the word “route” the following:-

however, a regional school district may elect not to provide transportation to any pupil residing less than one and one-half miles from the school of attendance, by a commonly traveled route, upon a vote by the regional school district committee; provided, however that the regional school district committee may establish and assess a reasonable transportation fee to be charged for school children in grades seven through twelve to offset district transportation costs; provided further, that a fee may be charged for school children in grades kindergarten through twelve in a district that may provide transportation to any pupil who resides less than one and one-half miles from the school of attendance, measured by a commonly traveled route; and provided further, that funding provided under this section shall not be impacted by the collection of such fees.

### **AMENDMENT #116**

Representatives Guyer of Dalton, Garry of Dracut, Alicea of Charlton, Callahan of Sutton, Kulik of Worthington, Smola of Palmer, Benson of Lunenburg, Pignatelli of Lenox, Sandlin of Agawam, Gregoire of Marlborough, and Provost of Somerville move to amend the bill by inserting in Section 2 after line 965 the following:-

Under no circumstance shall a charter school be approved for any location within any town which is a member of a regional school district in which total pupil enrollment has decreased by more than 7% in a consecutive 5 year period, or in any community abutting a regional school district with such a decrease in enrollment.

### **AMENDMENT #117**

Representatives Guyer of Dalton and Bosley of North Adams move that House Bill 4410 be amended by inserting after Section 5 the following section:-

SECTION XX. Chapter 70B of the General Laws is hereby amended by inserting after Section 15 the following new section:-

70B Section 15A. In the event that an eligible applicant can no longer utilize an assisted structure built prior to 2004 as a schoolhouse due to a decrease in enrollment, then the city, town or regional school district shall submit a decommissioning plan to the MSBA and to the Department of Education.

The authority shall waive the deductions required under the provision of subsection (b) of section 15 of chapter 70B if the district successfully demonstrates the following: (1) there is at least a 15% decrease in enrollment across the entire city, town, or regional school district since the opening of the assisted structure; (2) the enrollment decrease for the assisted structure is greater than 25% of projected enrollment during the design and building process and this enrollment decrease is not due to redistricting; and (3) the district will not have the required capacity if it removes a non-assisted structure; and the authority finds that: (1) the schools within a five mile radius of the assisted structure are not experiencing overcrowding, and (2) the district's 10 year projected enrollment does not exceed the capacity of the remaining operating schoolhouses; and the commissioner of education has certified that: (1) the district's decommissioning plan is educationally sound.

Upon the decommissioning of the assisted structure, the district shall sell or lease the assisted structure or facility, or portion of that structure or facility, which shall be for no less than fair market value as determined by independent appraisal, unless the eligible applicant receives prior written approval from the authority to do otherwise, and the proceeds from the sale or lease shall be divided between the authority and the general funds of the applicable eligible applicant in proportion to the commonwealth's and authority's prior investments in the

assisted structure or facility under this chapter or said chapter 645, as applicable.

### **AMENDMENT #118**

Representative Garballey of Arlington, Brownsberger of Belmont and Grant of Beverly move to amend H.4410 by adding at the end of the bill the following section:-

Section XX. There shall be in the department a board of education, in this section and in sections 1F and 1G called the board, which shall consist of the chairman of the student advisory council established under this section; the chancellor of higher education; the commissioner of early education and care; 1 representative of a labor organization selected by the governor from a list of 3 nominees provided by the Massachusetts State Labor Council, AFL-CIO; 1 representative of business or industry selected by the governor with a demonstrated commitment to education; 1 representative of parents of school children selected by the governor from a list of 3 nominees provided by the Massachusetts Parent Teachers Association; 1 representative of public school teachers selected by the governor from a list of 3 nominees provided by the Massachusetts Teachers Association and the Massachusetts Federation of Teachers; and 2 members selected by the governor. In making such additional selections, the governor shall seek to appoint persons who are from geographically diverse regions of the commonwealth and who are familiar with the differing interests, perspectives and needs of urban, rural and suburban school districts. No appointive member of said board shall be employed by or receive regular compensation from the department of education, or from any school system, public or independent, in the commonwealth, or serve as a member of any school committee. Not more than two appointive members of said board shall be employed on a full-time basis by any agency of the commonwealth. Upon the expiration of the term of office of an appointive member of said board, his successor shall be appointed for a term of five years. No person shall be appointed to serve more than two full terms, provided, however, that only service on or after July 1, 1996 shall be counted for this purpose. Prior service on said board for a term of less than three years, resulting from an initial appointment or an appointment for the remainder of an unexpired term, shall not be counted as a full term. If a member is absent from any four regularly scheduled monthly meetings, exclusive of July and August, in any calendar year, his office as a member of said board shall be deemed vacant. The chairman of the board shall forthwith notify the governor that such vacancy exists. A person affiliated with an independent institution of higher education shall be eligible for membership on said board. No member of said board shall be found to be in violation of section six of chapter two hundred and sixty-eight A for conduct which involves his participation, as a member of said board, in a particular matter before said board which may affect the financial interest of an independent institution of higher education with which he is affiliated; provided, however, that said member, his immediate family or partner has no personal and direct financial interest in said particular matter; and provided, further, that such affiliation is



disclosed to said board and recorded in the minutes of the board.

**AMENDMENT #119**

Representatives Garballey of Arlington and Grant of Beverly move to amend the bill in section 2, in lines 919, 921 and 924 by striking out “20” and inserting in place thereof “5”.

**AMENDMENT #120**

Representatives Garballey of Arlington, Sciortino of Medford and Grant of Beverly move that the bill be amended in section 2 by striking subsection (g).

**AMENDMENT #121**

Representative Garballey of Arlington moves to amend the bill in section 1, in line 169, by inserting after “Students.” the following sentence:  
“That individual shall have no fewer than seven years experience in the public school system.”.

**AMENDMENT #122**

Mr. Garballey of Arlington moves to amend the bill in section 2, in lines 713 to 718 by striking out the sentences in those lines and inserting the following sentences:  
“If a charter school determines that a special education student currently enrolled in the charter school may require outside placement, it shall convene an individual education plan team meeting for said student. The team meeting shall be conducted by the special education department of the public school district in which the child resides. Personnel from the charter school shall be allowed to participate in the team meeting concerning future placement of the child.”.

**AMENDMENT #123**

Mr. Conroy of Wayland moves to amend the bill by adding the following section:

SECTION 9. Each elementary and/or secondary educational entity in the Commonwealth receiving state and/or local and/or federal funds, shall submit to the Commissioner of Elementary and Secondary Education an annual report on teacher employment which is organized according to individual schools, school districts, grade level, subject matter, teacher tenure, etc., and which includes, but is not limited to, number of teaching positions, number of job vacancies, number of job applicants per job vacancy, time period for which jobs remain vacant, qualifications of job applicants, and teacher performance evaluation data in accordance

with the number of teachers exceeding, meeting, and not meeting performance expectations in accordance with either existing performance evaluation guidelines by district or teacher performance standards as created by the Board of Elementary and Secondary Education.

The Board of Elementary and Secondary Education shall aggregate the data and present a compiled report, so as to show a clear and comprehensive summary of teacher supply and demand and performance to the Secretary of Education, the Governor, the Speaker of the House, the Senate President, and the Joint Committee on Education.

**Amendment #124** Mr. Cabral of New Bedford moves to amend H4410 in section 1 by inserting after the word “section” in line 44 the following:

“, and shall be exempt from the provisions of chapter 71A”;

And further moves that the bill be amended in section 1 by inserting after the word “Commissioner” in line 106 the following:

“, Shall include alternative English language learning programs for limited English proficient students and”.

**Amendment #125** Mr. Cabral of New Bedford moves to amend H4410 in section 2 by inserting after the words “commonwealth charter schools” the following:

“ Charter schools shall comply with the provisions of chapter 71A, unless they have received approval from the board to implement alternative English language learner programs.”;

And further that the bill be amended in section 2 by striking in line 710 the following:

“chapters 71A and” and inserting in place thereof: “chapter”.

**Amendment #126** Mr. Cabral of New Bedford moves to amend H4410 in section 3 by inserting after section (h) the following:

“Section XX. Innovation schools shall be exempt from the provisions of chapter 71A.”

And that the bill be further amended in said section by inserting after the word “achievement” in line 1065 the following: “, which plan shall include an alternative English language learning program for limited English proficient students”

**Amendment #127** Mr. Cabral of New Bedford moves to amend H4410 by adding the following section:

“section XX: Any funds received by the commonwealth pursuant to sections 14005 and 14006 of the American Recovery and Reinvestment Act of 2009 and not passed directly to school districts for use as each district determines in its sole discretion shall be expended as follows. Any school district containing at least one underperforming school, as defined in section 1J(a) of chapter 69, and any chronically underperforming district, as defined in said section 1J(a), shall receive an amount equal to .0004 per cent of the amount the commonwealth receives pursuant to said sections 14005 and 14006 of the American Recovery and Reinvestment Act of 2009 for each limited English proficient student enrolled in said district. Next, if any funds received by the commonwealth pursuant to sections 14005 and 14006 of the American Recovery and Reinvestment Act of 2009 and not passed directly to school districts for use as each district determines in its sole discretion remain, the commonwealth shall reimburse any school district spending more than 9 per cent of its net school spending on charter school tuition payments to the commonwealth charter schools for all such expenditures over 9 per cent of said net school spending, or a proportionate share of such expenses to the extent such funds are available.

Finally, if any funds received by the commonwealth pursuant to sections 14005 and 14006 of the American Recovery and Reinvestment Act of 2009 and not passed directly to school districts for use as each district determines in its sole discretion remain, the commonwealth may expend said remaining funds for education related expenses.

**Amendment #128** Mr. Cabral of New Bedford moves that the bill be amended in section 2 by striking the sentence in line 691 and inserting in place thereof: “A student may only be expelled from a commonwealth charter school for an offense warranting expulsion pursuant to chapter 71, sections 37H and 37H½.”

**Amendment #129** Ms St. Fleur of Boston, moves to amend the bill, House 4410, by inserting the following new section:

SECTION 6. The department shall draft a model policy for school districts regarding the grade placement and eligibility for high school graduation of students leaving a commonwealth charter school and seeking to enroll in a district school. In drafting said model policy, the department shall confer with school districts and commonwealth charter schools. Said model policy shall be made available no later than December 31, 2010. Until a school district adopts a policy regarding the grade placement or eligibility for high school graduation of students leaving a commonwealth charter school, when determining the appropriate grade placement or eligibility for high school graduation of a student leaving a commonwealth charter school and enrolling in a district school, a district shall examine the course of study and level of academic attainment of the student.

**Amendment #130** Representative McCarthy of East Bridgewater moves to amend the bill in section 1, in line 10, by inserting after the word “education” the words “‘District’, or ‘school district’, the school department of a city or town

And in said section, in lines 365-366, by striking the words “A teacher with professional teacher status in a school declared underperforming or chronically underperforming may be dismissed for good cause.” and inserting in place thereof the words “A teacher with professional teacher status in a district declared chronically underperforming may be dismissed for good cause.”

**Amendment #131** Representative McCarthy of East Bridgewater moves to amend the bill in section 2, in line 512, by inserting after the word “shall” the words “be updated annually and”

And in said section, in line 682, by inserting after the word “necessary” the words “The department shall maintain a consolidated waitlist for each municipality in order to determine the number of individual students in each municipality seeking admission to charter schools.”

And in said section, in line 906, by inserting after the word “amount” the words “and shall reimburse the sending school districts for said costs.”

**Amendment #132** Representative Story of Amherst moves to amend H.4410 in line 107 by adding after the words “expand, alter, or replace the curriculum and program offerings of the school,” the words:-

“ including the implementation of research based early literacy programs and one on one early literacy interventions for struggling readers,”

And, in line 335 by adding after the words “or of a school in the district,” the words:-

“ including the implementation of research based early literacy programs and one on one early literacy interventions for struggling readers,”

**Amendment #133** Ms. Khan of Newton of Newton, Mr. Garballey of Arlington, Ms. Benson of Lunenburg, and Mr. Hill of Ipswich move that the bill (H. 4410) be amended,

in Section 1, in Section IJ, subsection (a) in line 12, by adding after the word “district...” the following: “ ‘Teacher’, a teacher, school librarian, school adjustment counselor, school nurse, school social worker or a school psychologist.”

And further amending said bill in SECTION 2, in Section 89 in subsection (a), by adding in line 451, after the word “district.” the following: “ ‘Teacher’, a teacher, school librarian, school adjustment counselor, school nurse, school social worker or a school psychologist.”

And further amending said bill in SECTION 3, in Section 92 in subsection (a), by adding in line 1001, after the word “district.” the following: “ ‘Teacher’, a teacher, school librarian, school adjustment counselor, school nurse, school social worker or a school psychologist.”

**Amendment #134** Ms. Khan of Newton of Newton, Mr. Garballey of Arlington, Ms. Benson of Lunenburg, and Mr. Hill of Ipswich move that the bill (H. 4410) be amended in SECTION 1, in Section IJ, subsection:

(a) in line 12, by adding after the word “district..” the following: “ ‘Teacher’, a teacher, school librarian, school adjustment counselor, school nurse, school social worker or a school psychologist.”

And further amending said bill in SECTION 2, in Section 89 in subsection (a), by adding in line 451, after the word “district.” the following: “ ‘Teacher’, a teacher, school librarian, school adjustment counselor, school nurse, school social worker or a school psychologist.”

And further amending said bill in SECTION 3, in Section 92 in subsection (a), by adding in line 1001, after the word “district.” the following: “ ‘Teacher’, a teacher, school librarian, school adjustment counselor, school nurse, school social worker or a school psychologist.”

**Amendment #135** Ms. Khan of Newton of Newton, Mr. Garballey of Arlington, Ms. Benson of Lunenburg, and Mr. Hill of Ipswich move that the bill (H. 4410) be amended in SECTION 1, in Section 1J, subsection (e) in line 110, by striking (iv) in its entirety and inserting the following: “ (iv) provide funds, subject to appropriation and following consultation with applicable local unions, to increase the salary of any administrator, school nurse or teacher in the school, in order to attract or retain highly qualified administrators, school nurses or teachers or to reward administrators, school nurses or teachers who work in underperforming schools that achieve the annual goals set forth in the turnaround plan;”

And further amending said SECTION 1, in Section 1J in subsection (e) in line 125, by striking (x) in its entirety and inserting the following: “(x) include a provision of job-embedded professional development for teachers or school nurses at the school, with an emphasis on strategies that involve teacher or school nurse input and feedback;”

And further amending said SECTION 1, in Section 1K in subsection (d) in line 339, by

striking (iii) in its entirety and inserting the following: “(iii) provide funds, subject to appropriation, to increase the salary of any administrator, school nurse or teacher in the district working in an underperforming or chronically underperforming school, in order to attract or retain highly qualified administrators, school nurses or teachers to those schools or in order to reward administrators, school nurses or teachers who work in chronically underperforming districts that achieve the annual goals set forth in the turnaround plan;”

And further amending said SECTION 1, in Section 1K in subsection (d) in line 352, by striking (ix) in its entirety and inserting the following: “(ix) include a provision of job-embedded professional development for teachers or school nurses in the district, with an emphasis on strategies that involve teacher or school nurse input and feedback;”

**Amendment #136** Ms. Khan of Newton of Newton moves that the bill (H. 4410) be amended, in Section 3, by inserting after subsection (j) the following subsection (k): -

“The department of education is hereby authorized and directed to conduct a comprehensive study relative to the affect which high school starting times have on the academic performance of students. Said study shall include, but not be limited to, a survey of high school starting times and the duration of high school academic hours throughout the commonwealth, and shall make findings relative to the affect which high school starting times have on student academic performance. Provided further, that such study shall make recommendations relative to whether high school starting times should be scheduled later in the morning, and how school districts can adapt school day starting times to enhance student education. Said study shall also review and make recommendations relative to other school day scheduling issues which affect high school starting times. Said department, in the conduct of said study shall examine relevant scientific studies and academic research, and shall request comment and suggestions from students, teachers, and education policy makers, provided further, that said department shall conduct no less than two public hearings to ensure public input and comment. A copy of said study shall be filed with the senate and house clerks and the senate and house chairmen of the Joint Committee on Education not later than six months after the enactment of this act.”

**Amendment #137** Ms. Creedon of Brockton moves to amend H.4410 in Section 2, subsection (i) (1), by adding at the end thereof:-

Nor shall the Board Approve a new Charter School in a Community with a population more than 80,000 that has built more than two schools with a state funding ration of 90—10 that has been built within the last three years

**Amendment #138** Rep. Clark of Melrose moves to amend H. 4410 section 2 subsection (a) by inserting in line 450 the definition of ““Local board”, the local school committee or board.”

And moves to insert in line 461, 463, 480, 523, 525, 531, 616, the word “local” before the word “board”

And moves to strike the word “school” in line 477 and replace with “local board”

And moves to strike “: and (ii) be filed with the local school committee” in lines 523-524 after the word “section”

And moves to strike lines 527, 528, 529 after the word “application”

And moves to strike lines 536 through 542 after the word “schools”

And moves to strike lines 559-566 and replace with:

“( ) Notice of a local school board's decision to deny, revoke or not to renew a charter shall be provided to the Board. The board may reverse a local board's decision if the board finds that the charter school or charter school proposal (i) is in compliance with the law and priorities and (ii) is in the best interests of the students it is designed to serve. The board may condition the granting of an appeal on the acceptance by the charter school of funding in an amount less than that requested in the proposal submitted to the local school board. Final decisions of the board shall be subject to judicial review.

( ) If the board on appeal reverses a local board's decision, the board shall act as the authorized chartering entity for the charter school. The board shall approve and certify the charter and shall perform all functions otherwise performed by the local board.”

**Amendment #139** Ms. Wolf of Cambridge moves to amend the bill in Section 1J, in subsection (c), in line 64, by striking out the word “and”;

And in line 65 of said section by inserting after the word “commissioner” the following: “; (ix) for elementary schools, a representative of an early education and care provider chosen by the commissioner of the department of early education and care and, for middle schools or high schools, a representative of the higher education community selected by the secretary; and (x) a member of the community appointed by the chief executive of the city or town from a list nominated by a community organization with an agenda that includes schools, or, if there is none, a community volunteer.”

And in line 70 of said section by inserting after the word “meeting” the following sentence: “The local stakeholder group shall hold at least one public hearing in the community prior to formulating its recommendations.”

**Amendment #140** Ms. Wolf of Cambridge moves to amend the bill in Section 1J, in subsection (d), in line 98, by adding the following:

“In developing the educational program of the turnaround plan, the commissioner and stakeholder group shall consider including evidenced based approaches to assisting students at risk and closing the achievement gap that are relevant for the school level and demographics of the underperforming school such as, but not limited to, programs that improve school readiness for children including their social, emotional, and cognitive development; universal breakfast; full day kindergarten; early literacy programs; low class size in grades K-3; trauma sensitive schools; intensive English Language Learner programs; inclusion programs; extended day or week programs; summer programs; thematic approaches, e.g. arts, or math, science, and technology; or breaking up large schools into smaller administrative and academic units. To the extent that such programs require additional funds, the superintendent, the local stakeholder group, the school committee and the commissioner shall coordinate with the secretary of education to advocate for grants from the state and federal government and contributions from charitable foundations or private corporations.”

**Amendment #141** Ms. Wolf of Cambridge moves to amend the bill in Section 1J, in subsection (d), in line 105, by adding the following:

“For elementary schools, the commissioner of the department of early education and care shall coordinate with the secretary and the commissioner regarding the data related to school readiness of children entering the underperforming school and early education strategies relevant to the turnaround plan.”

**Amendment #142** Ms. Wolf of Cambridge moves to amend the bill in Section 1K, in subsection (b), in line 292, by striking out the word “and”;

And in line 293 of said section by inserting after the word “commissioner” the following:

“; (ix) a representative of an early education and care provider chosen by the commissioner of the department of early education and care; (x) a representative of the higher education community selected by the secretary; and (xi) a member of the community appointed by the chief executive of the city or town from a list nominated by a community organization with an agenda that includes schools, or, if there is none, a community volunteer.”

And in line 298 of said section by inserting after the word “meetings” the following sentence: “The local stakeholder group shall hold at least one public hearing in the community prior to formulating its recommendations.”

**Amendment #143** Ms. Wolf of Cambridge moves to amend the bill in Section 2, in subsection (e), in line 503, by striking out the word “and”;

And in line 507 of said section by inserting after the word “profile” the following:

“; and (xvi) plans for disseminating successes and innovations of the charter school to other non-charter public schools.”

**Amendment #144** Representatives Wolf of Cambridge, Richardson of Framingham, DiNatale of Worcester, Garballey of Arlington, Keenan of Salem, Benson of Lunenburg, Gregoire of Marlborough, Ehrlich of Marblehead, Sciortino of Medford, Grant of Beverly, Fernandes of Milford and Provost of Somerville move to amend the bill in Section 2, in subsection (h), in line 529, by striking out the sentence “At least 1 member of the board shall attend the public hearing.” and inserting in place thereof the following sentences:

“All members of the board shall attend the public hearing that solicits comment on a pending application. If less than a majority of the board attends a hearing on approval of a given charter school application, an additional hearing will be held by the board.”

**Amendment #145** Representatives Wolf of Cambridge, Richardson of Framingham, DiNatale of Worcester, Garballey of Arlington, Keenan of Salem, Dykema of Holliston, Benson of Lunenburg, Spiliotis of Peabody, Gregoire of Marlborough, Atkins of Concord, Ehrlich of Marblehead, Peisch of Wellesley, Hogan of Stow, Sciortino of Medford, Grant of Beverly, Fernandes of Milford and Provost of Somerville move to amend the bill by adding the following section:

“SECTION X. A special commission shall be established for the purpose of making an investigation and study into public school district spending on commonwealth charter schools and the financial needs of charter schools in order to develop recommendations for a sustainable and equitable system of financing charter schools. Said commission shall act from the point of

view that charter schools are creatures of the commonwealth and that financing should adequately reflect this reality.

The commission shall consist of the house and senate chairs of the joint committee on education, who shall serve as co-chairs and conveners of the commission, the house and senate chairs of the committee on ways and means or their designees, the secretary of the executive office for administration and finance or his designee, the secretary of the executive office of education or his designee, the commissioner of the department of elementary and secondary education or his designee, and 10 persons to be appointed by the governor, 1 of whom shall be a parent selected from 3 nominees of the Massachusetts Parent Teacher Association, 1 of whom shall be a representative of the Massachusetts Association of School Committees selected from 3 nominees of the Massachusetts Association of School Committees, 1 of whom shall be a representative of the Massachusetts Teachers Association selected from 3 nominees of the Massachusetts Teachers Association, 1 of whom shall be a representative of the American Federation of Teachers – Massachusetts selected from 3 nominees of the American Federation of Teachers – Massachusetts, 2 of whom shall be representatives of the Massachusetts Charter School Association selected from 5 nominees of the Massachusetts Charter School Association, 1 of whom shall be a representative of the Massachusetts Municipal Association selected from 3 nominees of the Massachusetts Municipal Association, 2 of whom shall be representatives of the business, non-profit, or academic community, and 1 of whom shall be an economist or education funding expert. Said commission shall report to the general court the results of its investigation and study and its recommendations, if any, by filing the same with the clerk of the senate and the clerk of the house of representatives in a time frame that would allow any recommendations to be implemented in fiscal year 2012.”

**Amendment #146** Mr. Stanley of Waltham moves to amend House bill 4410 by adding, the following section:-

SECTION x: Subsection (g) of section 89 of Chapter 71 of the General Laws, as so appearing, is hereby amended by adding the following sentence:-

The public hearing shall be held in the town where said charter school is to be located and a majority of the members of the board of education shall be present.

**Amendment #147** Mr. Stanley of Waltham moves to amend House bill 4410 in Section 2 by adding, the following section:-

SECTION x: Subsection (gg) of section 89 of Chapter 71 of the General Laws is hereby amended by inserting after the word “following” in line 915 the following words:- ; and 25 per cent of that amount in the third and fourth years following.

**Amendment #148** Mr. Stanley of Waltham moves to amend House bill 4410 in Section 2 by adding, the following section:-

SECTION x: Subsection (g) of section 89 of Chapter 71 of the General Laws is hereby amended by striking out and inserting in place there of the following sentence:-

(g) In order to ensure that a commonwealth charter school is able to fulfill its obligations under its recruitment and retention plan, the school district or districts from which the commonwealth charter school is expected to enroll students shall annually provide, but only with the approval of the local school board for a district charter school or by the majority of school committees for a regional charter school, at the request of a commonwealth charter school, to a third party mail house authorized by the department, the addresses for all students in the district eligible to enroll in the school, unless a student’s parent or guardian requests that the district withhold this



information, and the department may require the charter school send a mailing in the most prevalent languages of the district or districts that the charter school is authorized to serve.

**Amendment #149** Mr. Stanley of Waltham moves to amend House bill 4410 in by adding, the following section:-

SECTION x: Notwithstanding any general or special law to the contrary, any charter school whose charter was granted after January 1, 2010 and offers residential housing for its students shall be funded by any town where a student primarily resided in the previous 12 months prior to enrollment.

**Amendment #150** Mr. O'Day of West Boylston moves to amend H.4410 in Section 2, after line 694 by inserting the following paragraph:

“Charter schools and public schools must abide by uniform laws and regulations governing student discipline. If a student is met with a disciplinary problem, including suspension or expulsion, his or her educational needs must continue to be met by the school that issued such disciplinary action.”

**Amendment #151**

Representatives Moran, Forry, Allen, Michlewitz, Basile, Honan, Scaccia, St. Fleur of Boston move to amend the bill, House 4410, in Section 3, subsection (c), by inserting in line 1096 after the words “implement the innovation plan” the following:

“provided, however, that in the city of Boston there may be as many as 6 new Innovation Schools established solely with the approval of the superintendent and the school committee.”

**Amendment #152** Mr. Costello of Newburyport moves to amend House Bill 4410 by adding, in line 915, after the word “following,” the following :-

“provided further that no district with a target local share, as defined in Section 3 of Chapter 139 of the Acts of 2006, of 18 percent or less shall receive a reimbursement of less than 35 percent of its total charter school tuition payment, including payments for facilities aid, in any fiscal year.”